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Wednesday
May 9, 1984

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Internal Revenue Service

Agricultural Commodities
Environmental Protection Agency

Air Pollution Control
Environmental Protection Agency

Animal Drugs
Food and Drug Administration

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

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Presidential Documents

Title 3—

The President

Proclamation 5187 of May 5, 1984

National Correctional Officers Week, 1984

By the President of the United States of America

A Proclamation

Correctional officers have the difficult and often dangerous assignment of ensuring the custody, safety and well-being of the over 600,000 inmates in our Nation's prisons and jails. Their position is essential to the day-to-day operations of these institutions; without them it would be impossible to achieve the foremost institutional goals of security and control.

Historically, correctional officers have been viewed as "guards," occupying isolated and misunderstood positions in prisons and jails. In recent years, the duties of these officers have become increasingly complex and demanding. They are called upon to fill, simultaneously, custodial, supervisory and counseling roles. The professionalism, dedication and courage exhibited by these officers throughout the performance of these demanding and often conflicting roles deserve our utmost respect. The important work of correctional officers often does not receive the recognition from the public it deserves. It is appropriate that we honor the many contributions and accomplishments of these men and women who are a vital component of the field of corrections.

In recognition of the contributions of correctional officers to our Nation, the Congress, by Senate Joint Resolution 132, has designated the week beginning May 6, 1984, as "National Correctional Officers Week," and authorized and requested the President to issue an appropriate proclamation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 6, 1984, as National Correctional Officers Week. I call upon officials of State and local governments and the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, 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. 84-12812
Filed 5-7-84; 12:50 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5188 of May 5, 1984

National Photo Week, 1984

By the President of the United States of America

A Proclamation

Photography, the prime visual recorder of human events, preserves memories, emotion, and sentiment for virtually all Americans. It is an established and growing art form which communicates the beauty and diversity of America as well as the vitality of its culture and its people.

Photography has played an important role in our commercial and artistic lives and in the process of government through motion pictures, video cameras, and still shots. Photographs preserve the history of the Nation and the changing panorama of American landscape and culture. Visual records also contribute to the advancement of many fields of science, technology, and inquiry, including communications, meteorology, geography, medicine, justice, astronomy and agriculture.

To honor the invaluable contribution that photography has made to the quality of our life, the Congress has, by Senate Joint Resolution 250, designated the week of May 7 through May 13, 1984, as "National Photo Week" and has authorized the President to issue a proclamation in honor of that occasion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 7 through May 13, 1984, as National Photo Week, and I call upon the American people to engage in appropriate observances to reflect our appreciation and understanding of the value of photography to the Nation.

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

Ronald Reagan

[FR Doc. 84-[illegible]
Filed 5-7-84; 12:51 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5189 of May 5, 1984

National Defense Transportation Day and National Transportation Week, 1984

By the President of the United States of America

A Proclamation

America's transportation systems are a mainstay of our economy, an essential component of our commerce, an important part of our defense and the means by which our citizens and visitors alike enjoy the freedom to travel throughout our land.

Historically, transportation has opened America's frontiers. Transportation gave our Nation's territorial and industrial pioneers access to the country's resources. More than any other element of our society, transportation has been a vibrant economic catalyst, building cities, generating new industries, spurring ambitions, providing jobs and linking us to the peoples of the world. Our transportation systems and facilities, including America's merchant fleet and road, rail and aviation networks, support the Nation's defense readiness and emergency response capabilities.

As our transportation systems have developed, they have become increasingly safe. The constant commitment to safety, shared by the government and the private sector, is reducing fatalities and accident rates to the lowest levels in our history, saving lives and preventing injuries.

As we vigorously pursue safety efforts, the Federal government is relaxing the constraints of economic regulation, enabling the Nation's rail, airline, trucking and interstate bus companies to compete more aggressively and operate more efficiently. Economic deregulation is a gateway for new carriers entering the transportation field. It is generating new competition, providing lower fares and more choices for consumers, and competitive rates for shippers. America's transportation industries stand today on the threshold of an era of broader opportunities and greater prosperity. We stand, as well, at the beginning of a new era of space transportation, in which the Federal government is fully prepared to assist the private sector in development of a commercial space industry.

In recognition of the importance of transportation in America and to honor the millions of Americans who serve and supply our transportation needs, the Congress, by joint resolution approved May 16, 1957, has requested that the third Friday in May of each year be designated National Defense Transportation Day; and by a joint resolution approved May 14, 1962, that the week in which that Friday falls be proclaimed National Transportation Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Friday, May 18, 1984, as National Defense Transportation Day and proclaim the week beginning May 13, 1984, as National Transportation Week. I urge the people of the United States to observe these occasions with appropriate ceremonies which will give full recognition to the importance of our transportation system and the maintenance of its facilities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, 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. 84-12614
Filed 5-7-84; 12:52 pm
Billing code 3195-01-M

Presidential Documents

Proclamation 5190 of May 7, 1984

Jewish Heritage Week, 1984

By the President of the United States of America

A Proclamation

Through both its spiritual ideals and its significant practical efforts, the Jewish community has contributed much to our country's greatness. So many of the values and ethics we proudly espouse in America are derived from the laws and traditions of the Jewish people: That there should be one law for the homeborn and the foreigner; that education and self-discipline are to be continually cultivated; and that family and community are the cornerstones of society. And individually—as committed citizens, soldiers in the armed forces, laborers and professionals, artists and entrepreneurs—American Jews have given of their heart, soul and might so that this Nation may prosper.

Each spring, Jews all over the world celebrate Passover, when the story of the Exodus from Egypt is retold, and the holiday of Shavuot, commemorating the giving of the Law at Mount Sinai. Traditionally, Jews spend that seven-week period between these festivals reflecting on their history and heritage. During this period, American Jews also join with their brethren throughout the world in observance of the National Days of Remembrance, honoring the victims and survivors of the Holocaust, the anniversary of the Warsaw Ghetto Uprising, and Solidarity Day for Soviet Jews. Celebration of joyous occasions like Israel's Independence Day also occur at this season.

In recognition of the special significance of this time of year to America's Jews, in tribute to the important contributions they have made to American life, and in an effort to foster understanding and appreciation of the cultural diversity that has made America such a special and unique society, the Congress, by Senate Joint Resolution 241, has authorized and requested the President to proclaim May 6 through May 13, 1984, as "Jewish Heritage Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 6 through May 13, 1984, as Jewish Heritage Week. I call upon the people of the United States, Federal, State and local government officials, and interested organizations to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th. day of May, 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. 84-12663
Filed 5-7-84; 4:06 pm]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 371

Organization, Functions, and Delegations of Authority

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the statement of organization, functions, and delegations of authority of the Animal and Plant Health Inspection Service to reflect a change in position title from that of Deputy Administrator for Management to Deputy Administrator for Management and Budget.

EFFECTIVE DATE: May 9, 1984.

FOR FURTHER INFORMATION CONTACT: John C. Frey, Classification, Employment and Executive Resources Program, Human Resources Division, Animal and Plant Health Inspection Service, Room 221, Federal Building, 6505 Belcrest Rd., Hyattsville, MD 20782, (301–436–6466).

SUPPLEMENTARY INFORMATION: The title of the position of Deputy Administrator for Management in the Animal and Plant Health Inspection Service has been changed to Deputy Administrator for Management and Budget. This new title is more descriptive of the actual duties and responsibilities of the position and differentiates this position from similar positions in other agencies where such positions do not have budget responsibilities. The purpose of this document is to amend the statement of organization, functions, and delegations of authority of the Animal and Plant Health Inspection Service to reflect this nomenclature change whereby the words Deputy Administrator for Management or Deputy Administrator (when such reference clearly pertains to the Deputy Administrator for Management) are changed throughout appropriate sections of 7 CFR Part 371 to Deputy Administrator for Management and Budget.

This rule relates to internal agency management, and 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 E.O. 12291. Finally, this action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 371

Organization and functions (Government Agencies).

PART 371—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Accordingly, 7 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

Authority: 5 U.S.C. 301.

§§ 371.1, 371.2, 371.5, and 371.6 [Amended].

2. 7 CFR 371 is amended by removing the words "Deputy Administrator for Management" and inserting, in their place, the words "Deputy Administrator for Management and Budget" in the following places:

(a) 7 CFR 371.1(b);
(b) 7 CFR 371.2(e);
(c) 7 CFR 371.5 (introductory paragraph), (c)(1), (e)(1), (f)(1) and (h)(1);
(d) 7 CFR 371.6(b).

3. In addition to the amendments set forth above, 7 CFR 371 is amended by removing the words "Deputy Administrator" and inserting, in their place, the words "Deputy Administrator for Management and Budget" in the following places:

(a) 7 CFR 371.5 (a)(1), (b)(1), (d)(1), and (g)(1).

Done at Washington, D.C., this 2d day of May.

James O. Lee, Jr.,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 84–12504 Filed 5–8–84; 8:45 am]
BILLING CODE 3410–34–M

Food Safety and Inspection Service

9 CFR Parts 318 and 381

[Docket No. 83–021F]

Titanium Dioxide in Isolated Soy Protein; Preparation of Meat and Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal meat and poultry products inspection regulations by removing the requirement that isolated soy protein (ISP) used as an ingredient in meat or poultry products must contain titanium dioxide. Since other regulatory controls are sufficient to control the amount of ISP in various products, the change in the regulations will eliminate the presence of an unnecessary, non-nutritive substance in the food supply and end discrimination between the treatment of ISP and other similar substances added to meat and poultry products. This action is being taken in response to a petition filed on behalf of Archer Daniels Midland Company, Grain Processing Corporation, and Ralston Purina Company.

EFFECTIVE DATE: June 8, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Hibbert, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made an initial determination that this rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government

agencies, or geographic regions, or 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.

Effect on Small Entities

The Administrator, Food Safety and Inspection 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, Pub. L. 96–354 (5 U.S.C. 601). Firms manufacturing ISP will no longer be required to add titanium dioxide which would reduce the regulatory burden on the affected industry.

Background

On July 9, 1965, the Consumer and Marketing Service (a predecessor agency of FSIS) published a final rule in the **Federal Register** (30 FR 8673) allowing the limited use of ISP in sausage and certain other meat food products. ISP is derived from the major proteinaceous portion of soybeans and is used to bind and extend products. The rule required, however, that ISP used in these products processed in federally inspected establishments must contain 0.1 percent titanium, incorporated as food grade titanium dioxide. The purpose of requiring the addition of titanium dioxide to ISPS was to enable the Agency to analytically detect the amount of ISP used in meat food products by calculating the amount of titanium present. This, in turn, allows the Agency to determine usage levels of ISP in the sampled products and to assure that products are not adulterated or misbranded through the misuse of ISP. On April 17, 1970, the Agency published a final rule in the **Federal Register** (35 FR 6255) allowing the use of ISP in poultry products as well, under conditions identical to such usage in meat food products.

FSIS was petitioned in 1983 on behalf of Archer Daniels Midland Company, Grain Processing Corporation, and Ralston Purina Company, all manufacturers of ISP, to delete the requirement that ISP contain titanium dioxide. The petitioners asserted that titanium as a tracer in ISP is unnecessary and pointed out that tracers are not required for certain other protein-containing binders, e.g., whey, which also are not fully detectable and measurable by available laboratory analytical methods. The petitioners further claimed that the titanium dioxide requirement is a barrier to world trade for U.S. meat products containing ISP because the Commission of European Communities prohibits the use of titanium dioxide in ISP. One petitioner has also claimed that titanium dioxide produces an undesirable lightness in color due to its whitening power when used in certain products such as beef patties.

The initial establishment of this requirement was based, in part, upon the lack of acceptable laboratory analytical methods for distinguishing ISP in meat and poultry products. Reliable quantitative methodology still does not exist for ISP. However, FSIS has established certain implant inspection procedures which are capable of assuring that meat and poultry products containing ISP and other added substances are properly formulated and labeled. Before ISP, whey, and other substances may be used in a product, the manufacturer must obtain FSIS approval of the product's formula and label to ensure that such substances would be used in proper quantities in accordance with the standards of identity and that appropriate information would be conveyed to the consumer through labeling. Additionally, as products are produced in official establishments, FSIS inspectors monitor the usage of substances to verify that the approved formula is followed. Under these circumstances, the Agency reached the tentative conclusion that the petitioners' arguments had merit. On October 18, 1983, a proposal was published in the **Federal Register** (48 FR 48242) which would eliminate this requirement.

Discussion of Comments

FSIS received 59 comments in response to the proposal to withdraw the requirement that ISP used as an ingredient in meat or poultry products contain titanium dioxide. Fifty-eight comments supported the proposal, while one opposed it.

The majority of the supporting comments (33) were from individuals who did not identify any organizational affiliation. The bases for their support of the proposal were:

1. Concern about the presence of unnecessary non-nutritive chemicals;
2. Elimination of unnecessary regulations;
3. Discriminatory treatment if ISP;
4. Availability of other methods to regulate use of ISP; and
5. Unnecessary cost and foreign trade barriers.

Twelve favorable comments were from persons identified as being affiliated with the soy processing industry. These commenters cited the reasons identified above as bases for their support. These commenters emphasized those concerns regarding discriminatory treatment of ISP and stressed the availability of alternative methods for regulatory control of improper use or labeling of ISP in meat or poultry products.

The Soy Protein Council and four trade associations representing meat and poultry processors also supported the proposal, citing the same arguments. The American Meat Institute (AMI) expressed the view that the Agency should make a more comprehensive effort to address regulatory issues surrounding the use of non-meat proteins in meat food products and therefore took issue with the limited scope of the proposal. AMI subsequently advised the Agency, however, that it was not inherently opposed to the proposed change.

Five of six commenting meat and poultry processors supported the proposal, emphasizing the availability of other control methods to prevent abuses in the use of ISP or improper labeling of ISP-containing meat or poultry products. One processor opposed the proposal on the basis that there was no need to remove the titanium dioxide requirement, maintaining that titanium dioxide is necessary for verifying product compliance with standard and labeling requirements.

Two comments were received from organizations identified as representing consumer interests. Both supported the proposal. One comment questioned the legality of the use of titanium dioxide as a tracer and recommended adoption of other methods for purposes of adulterant surveillance. The other supported the proposal on the basis of FSIS having other procedures to assure proper use and labeling of meat and poultry products containing ISP. The comment also questioned whether use of titanium dioxide as a marker was appropriate.

Final Rule

Experience has shown that there is no reason to distinguish ISP as any more likely to be misused than other substances given the existing inspection procedures. Therefore, it appears that there is no continuing need for the use of titanium dioxide as a tracer in ISP and, thus, FSIS is revoking this requirement.

List of Subjects

9 CFR Part 318

Food additives, Meat inspection, Preparation of products.

9 CFR Part 381

Food additives, Poultry products inspection.

PART 318—[AMENDED]

The Federal meat and poultry products inspection regulations are amended as follows:

1. The authority citation for Part 318 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

§ 318.6 [Amended]

2. Section 318.6 of the Federal meat inspection regulations (9 CFR 318.6) is amended by removing the present paragraph (b)(11) and redesignating paragraph (b)(12) as (b)(11).

PART 381—[AMENDED]

3. The authority citation for Part 381 reads as follows:

Authority: Sec. 14, Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 750); and subsection 21(b), Federal Water Pollution Control Act, as amended by Pub. L. 91–224 and by other laws (33 U.S.C. 1254).

§ 381.147 [Amended]

4. Section 381.147 of the poultry products inspection regulations (9 CFR 381.147) is amended by removing the present paragraph (e) and redesignating paragraph (f) as paragraph (e).

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

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 84–12503 Filed 5–8–84; 8:45 am]

BILLING CODE 3410–DM–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 0, 4, 9, 11, 19, 20, 21, 25, 30, 31, 32, 33, 34, 35, 40, 50, 51, 55, 70, 71, 73, 75, 95, 100, 110, 140, and 150

Information Collection Requirements; Display of OMB Control Numbers

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to indicate the Office of Management and Budget (OMB) control numbers under which the information collection requirements imposed by the regulations have been approved by OMB. This action is necessary to comply with OMB regulations implementing the Paperwork Reduction Act.

EFFECTIVE DATE: May 9, 1984.

FOR FURTHER INFORMATION CONTACT: Brenda Shelton, Acting Chief, Document Management Branch, Division of Technical Information and Document Control, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone (301) 492–8132.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) establishes the policies and procedures for controlling paperwork burdens imposed by Federal agencies on the public.

The Act requires that each agency obtain Office of Management and Budget (OMB) review and clearance of the information collection requirements it imposes on the public. The Act also authorizes OMB to issue the regulations necessary to carry out its authority under the Act. These regulations (5 CFR Part 1320) were published in the **Federal Register** in final form on March 31, 1983 (48 FR 13666).

The Nuclear Regulatory Commission is issuing this regulation to comply with 5 CFR 1320.7(f)(2). That provision requires agencies to ensure that the OMB control numbers, under which the information collection requirements contained in its regulations are approved by OMB, appear in the Code of Federal Regulations. The NRC is including a section in each part of 10 CFR Chapter I that contains an information collection requirement approved by OMB as of December 31, 1983. This section sets out the OMB control number under which the information collection requirements in that part are approved and lists the sections within the part that contain approved information collection requirements. The NRC is also amending sections of the regulations that contain information collection requirements involving the use of an approved form to identify the form by number.

Because this is a nonsubstantive amendment dealing with procedural matters and agency management, the notice provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply. Opportunity for public comment is unnecessary because this is a minor procedural amendment in which the public is unlikely to have an interest. The amendment is effective upon publication in the **Federal Register** without a 30 day delay because this is an amendment dealing with agency management that is necessary to comply with the regulations issued by OMB. This amendment does not impose a burden, penalty, or obligation on any person or organization.

List of subjects in 10 CFR Parts 0, 4, 9, 11, 19, 20, 21, 25, 30, 31, 32, 33, 34, 35, 40, 50, 51, 55, 70, 71, 73, 75, 95, 100, 110, 140, and 150

Reporting and recordkeeping requirements.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552, the following amendments to 10 CFR Chapter I are published as a document subject to codification.

The authority citation for this document is:

(Sec. 161, Pub. L. 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, Pub. L. 93–438, 88 Stat. 1242, as amended (42 U.S.C. 5841); Pub. L. 96–511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

PART 0—CONDUCT OF EMPLOYEES

1. Section 0.735–8 is added to read as follows:

§ 0.735–8 Information collection requirements: OMB approval.

The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). In § 0.735–28, OMB has approved the information collection requirements contained in Form NRC–443, under control number 3150–0025.

PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS

2. Section 4.8 is added to read as follows:

§ 4.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0053.

(b) The approved information collection requirements contained in this part appear in §§ 4.32, 4.34, 4.125, 4.127, 4.231, and 4.232.

PART 9—PUBLIC RECORDS

3. Section 9.2b is added to read as follows:

§ 9.2b Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0043.

(b) The approved information collection requirements contained in this part appear in §§ 9.14a and 9.14b.

§ 9.14a [Amended]

4. Section 9.14a is amended by removing footnote 1.

§ 9.14b [Amended]

5. Section 9.14b is amended by removing footnote 2.

PART 11—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

6. Section 11.8 is added to read as follows:

§ 11.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0062.

(b) The approved information collection requirements contained in this part appear in §§ 11.9, 11.11, 11.13, and 11.15.

PART 19—NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS; INSPECTIONS

7. Section 19.8 is added to read as follows:

§ 19.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0044.

(b) The approved information collection requirements contained in this part appear in § 19.13.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

8. Section 20.8 is added to read as follows:

§ 20.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0014.

(b) The approved information collection requirements contained in this part appear in §§ 20.102, 20.103, 20.105, 20.106, 20.203, 20.205, 20.302, 20.311, 20.401, 20.402, 20.403, 20.405, 20.407, 20.408, and 20.409.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In §§ 20.101 and 20.102, Form NRC–4 is approved under control number 3150–0005.

(2) In § 20.401, Form NRC–5 is approved under control number 3150–0006.

§ 20.205 [Amended]

9. Section 20.205(b)(2) is amended by removing footnote 1.

§ 20.601 [Amended]

10. The note following § 20.601 is removed.

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

11. Section 21.8 is added to read as follows:

§ 21.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0035.

(b) The approved information collection requirements contained in this part appear in §§ 21.21 and 21.51.

§ 21.61 [Removed]

12. The note following § 21.61 is removed.

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

13. Section 25.8 is added to read as follows:

§ 25.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0046.

(b) The approved information collection requirements contained in this part appear in §§ 25.11, 25.17, 25.21, 25.23, 25.25, 25.27, 25.29, 25.31, 25.33, and 25.35.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In § 25.17, Form NRC–1 is approved under control number 3150–0048.

(2) In § 25.17, Form NRC–237 is approved under control number 3150–0050.

(3) In § 25.33, Form NRC–136 is approved under control number 3150–0049.

(4) In § 25.35, Form NRC–277 is approved under control number 3150–0051.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

14. Section 30.8 is added to read as follows:

§ 30.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 (U.S.C. 3501 et seq). OMB has approved the information collection requirements contained in this part under control number 3150–0017.

(b) The approved information collection requirements contained in this part appear in §§ 30.15, 30.19, 30.20, 30.32, 30.34, 30.36, 30.37, 30.38, 30.51, 30.55, and 30.56.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In §§ 30.32, 30.37, and 30.38, Form NRC–313I is approved under control number 3150–0042.

(2) In §§ 30.32, 30.37, and 30.38, Form NRC–313T is approved under control number 3150–0081.

(3) In § 30.36, Form NRC–314 is approved under control number 3150–0028.

(4) In §§ 30.37 and 30.38, Form NRC–313M is approved under control number 3150–0041.

(5) In §§30.37 and 30.38, Form NRC–313R is approved under control number 3150–0023.

15. In § 30.17, paragraph (a) is revised to read as follows:

§ 30.37 Application for renewal of licenses.

(a) Application for renewal of a specific license shall be filed on Form NRC–313 in accordance with § 30.32.

* * * * *

16. Section 30.38 is revised to read as follows:

§ 30.38 Application for amendment of licenses.

Applications for amendment of a license shall be filed on Form NRC–313 in accordance with § 30.32 and shall specify the respects in which the licensee desires its license to be amended and the grounds for the amendment.

§ 30.71 [Amended]

17. The note following § 30.71 is removed.

PART 31—GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

18. Section 31.4 is added to read as follows:

§ 31.4 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part or the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB approved the information collection requirements contained in this part under control number 3150–0016.

(b) The approved information collection requirements contained in this part appear in §§ 31.5, 31.8, and 31.11.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In § 31.11. Form NRC–483 is approved under control number 3150–0038.

§ 31.11 [Amended]

19. The note following § 31.11 is removed.

PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

20. Section 32.8 is added to read as follows:

§ 32.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0001.

(b) The approved information collection requirements contained in this part appear in §§ 32.12, 32.14, 32.15, 32.16, 32.17, 32.18, 32.19, 32.20, 32.22, 32.25, 32.26, 32.29, 32.51, 32.51a, 32.52, 32.53, 32.54, 32.56, 32.57, 32.58, 32.61, 32.70, 32.71, 32.72, 32.73, and 32.74.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In § 32.11, Form NRC–313I is approved under control number 3150–0042.

21. In § 32.11, the introductory paragraph is revised to read as follows:

§ 32.11 Introduction of byproduct material in exempt concentrations into products or materials, and transfer of ownership or possession: requirements for license.

An application for a specific license on Form NRC–313 authorizing the introduction of byproduct material into a product or material owned by or in the possession of the licensee or another and the transfer of ownership or possession of the product or material containing the byproduct material will be approved if the applicant:

* * * * *

§ 32.110 [Amended]

22. The note following § 32.110 is removed.

PART 33—SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

23. Section 33.8 is added to read as follows:

§ 33.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0015.

(b) The approved information collection requirements contained in this part appear in §§ 33.12, 33.13, 33.14 and 33.15.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In § 33.12, Form NRC–313I is approved under control number 3150–0042.

(2) In § 33.12, Form NRC–313M is approved under control number 3150–0041.

(3) In § 33.12, Form NRC–313R is approved under control number 3150–0023.

(4) In § 33.12, Form NRC–313T is approved under control number 3150–0081.

§ 33.100 [Amended]

24. The note following § 33.100 is removed.

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

25. Section 34.8 is added to read as follows:

§ 34.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0007.

(b) The approved information collection requirements contained in this part appear in §§ 34.11, 34.24, 34.25, 34.26, 34.27, 34.28, 34.29, 34.31, 34.32, 34.33, and 34.43.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In § 34.3, Form NRC–313R is approved under control number 3150–0023.

§ 34.51 [Amended]

26. The note following §34.51 is removed.

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

27. Section 35.8 is added to read as follows:

§ 35.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0010.

(b) The approved information collection requirements contained in this part appear in §§ 35.12, 35.14, 35.27, 35.42, 35.43, and 35.44.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In §§ 35.4, 35.11, 35.12, and 35.13 Form NRC–313M is approved under control number 3150–0041.

(2) In § 35.31, Form NRC–482 is approved under control number 3150–0022.

28. In § 35.11, the introductory paragraph is revised to read as follows:

§ 35.11 Specific licenses for human use of byproduct material in institutions.

An application by an institution for a specific license on Form NRC–313 for human use of byproduct material will be approved if:

* * * * *

29. In § 35.12, the introductory text of paragraph (a) is revised to read as follows:

§ 35.12 Specific licenses to individual physicians for human use of byproduct material.

(a) An application by an individual physician or groups of physicians for a specific license on Form NRC–313 for human use of byproduct material will be approved if:

* * * * *

30. In § 35.13, the introductory paragraph is revised to read as follows:

§ 35.13 Specific licenses for human use of byproduct material in sealed sources.

An application for a specific license on Form NRC–313 for use of a sealed source for human use will be approved if:

* * * * *

§ 35.100 [Amended]

31. The note following § 35.100 is removed.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

32. Section 40.8 is added to read as follows:

§ 40.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0020.

(b) The approved information collection requirements contained in this part appear in §§ 40.25, 40.26, 40.31, 40.35, 40.42, 40.61, 40.64, 40.65, and Appendix A.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In §§40.31, 40.43, 40.44, and Appendix A, Form NRC–2 is approved under control number 3150–0019.

(2) In § 40.31, Form N–71 is approved under control number 3150–0056.

(3) In § 40.42, Form NRC–314 is approved under control number 3150–0028.

(4) In § 40.64, Form NRC–741 is approved under control number 3150–0003.

33. In § 40.31, paragraph (g) is revised to read as follows:

§ 40.31 Application for specific licenses.

* * * * *

(g) In response to a written request by the Commission, an applicant for a license to possess and use source material in a uranium hexafluoride production plant or a fuel fabrication plant and any other applicant for a license to possess and use more than one effective kilogram of source material (except for ore processing, as defined in § 75.4(o) of this chapter) shall file with the Commission the installation information described in §75.11 of this chapter, on Form N–71) The applicant shall also permit verification of this installation information by the International Atomic Energy Agency and take other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth § 75.6 and §§ 75.11 through 75.14 of this chapter.

* * * * *

34. In § 40.43, paragraph (a) is revised to read as follows:

§ 40.43 Renewal of licenses.

(a) Applications for renewal of a specific license shall be filed on Form NRC–2 in accordance with §40.31 of this part.

* * * * *

35. Section 40.44 is revised to read as follows:

§ 40.44 Amendment of licenses at request of licensee.

Applications for amendment of a license shall be filed on Form NRC–2 in accordance with § 40.31 and shall specify the respects in which the licensee desires the license to be amended and the grounds for such amendment.

36. In Appendix A to Part 40, the fourth paragraph of the Introduction is revised to read as follows:

Appendix A to Part 40—Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Waste Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content.

* * * * *

Detailed programs meeting the technical and financial criteria in the Appendix, including appropriate supporting data, analyses, and alternatives, shall be developed by existing uranium milling licensees and filed with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, in connection with license renewal applications (Form NRC–2) or within nine months from the effective date of this Appendix, whichever occurs first.

* * * * *

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

37. Section 50.8 is revised to read as follows:

§ 50.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0011.

(b) The approved information collection requirements contained in this part appear in §§ 50.30, 50.33, 50.33a, 50.34, 50.34a, 50.35, 50.36, 50.36a, 50.48, 50.49, 50.54, 50.55, 50.55a, 50.59, 50.60, 50.71, 50.72, 50.80, 50.82, 50.90, 50.91, and Appendices A, B, E, G, H, J, K, M, N, and R.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In § 50.73, Form NRC–366 is approved under control number 3150–0104.

(2) In § 50.78, Form N–71 is approved under control number 3150–0056.

38. Section 50.78 is revised to read as follows:

§ 50.78 Installation information and verification.

Each holder of a construction permit shall, if requested by the Commission, submit installation information on Form N–71, permit verification thereof by the International Atomic Energy Agency, and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in §§ 75.6 and 75.11 through 75.14 of this chapter.

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

39. Section 51.4a is added to read as follows:

§ 51.4a Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0021.

(b) The approved information collection requirements contained in this part appear in §§ 51.20, 51.21, and 51.40.

PART 55—OPERATORS' LICENSES

40. Section 55.6a is added to read as follows:

§ 55.6a Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0018.

(b) The approved information collection requirements contained in this part appear in § 55.41 and Appendix A.

(c) This part contains information collection requirements in addition to those approved under the control numbers specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In §§ 55.10, 55.33, and 55.60, Form NRC–396 is approved under control number 3150–0024.

(2) In §§ 55.10, 55.12, and 55.33, Form NRC–398 is approved under control number 3150–0090.

41. In § 55.10, the introductory text of paragraph (a) and paragraph (a)(7) are revised to read as follows:

§ 55.10 Contents of applications.

(a) As provided in § 55.5, each application for a license must be filed on Form NRC–398 with the Director of Nuclear Reactor Regulation, the Director of Nuclear Material Safety and Safeguards, or a designated Regional Administrator, as appropriate. The application must be submitted in triplicate, except for the report of medical examination, and must contain the following information.

* * * * *

(7) A report of a medical examination by a licensed medical practitioner, in one copy on the form prescribed in § 55.60 (Form NRC–396).

* * * * *

42. In § 55.12, paragraph (a) is revised to read as follows:

§ 55.12 Re-application.

(a) Any applicant whose application for a license has been denied because of failure to pass the written examination or operating test or both may file a new application for license on Form NRC–398 two months after the date of denial. Any new application shall be accompanied by a statement signed by an authorized representative of the facility licensee by whom the applicant will be employed, stating in detail the extent of additional training which the applicant has received and certifying that he or she is ready for re-examination. An applicant may file a third application six months after the date of denial of the second application, and may file further successive applications two years after the date of denial of each prior application.

* * * * *

43. In § 55.33, the introductory text of paragraph (a) and paragraph (a)(6) are revised to read as follows:

§ 55.33 Renewal of licenses.

(a) Application for renewal of a license on Form NRC–398 shall be

signed by the applicant and shall contain the following information:

* * * * *

(6) A report by a licensed medical practitioner in the form prescribed in § 55.60 (Form NRC–396).

* * * * *

§ 55.60 [Amended]

44. The note following § 55.60 is removed.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

45. Section 70.8 is added to read as follows:

§ 70.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved information collection requirements contained in this part under control number 3150–0009.

(b) The approved information collection requirements contained in this part appear in §§ 70.19, 70.20a, 70.20b, 70.21, 70.22, 70.24, 70.32, 70.33, 70.34, 70.38, 70.39, 70.51, 70.52, 70.53, 70.57, 70.58, 70.59, and 70.60.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In § 70.21, Form N–71 is approved under control number 3150–0056.

(2) In § 70.38, Form NRC–314 is approved under control number 3150–0028.

(3) In § 70.53, Form NRC–742 is approved under control number 3150–0004.

(4) In § 70.53, Form NRC–742c is approved under control number 3150–0058.

(5) In § 70.54, Form NRC–741 is approved under control number 3150–0003.

46. In § 70.21, paragraph (g) is revised to read as follows:

§ 70.21 Filing.

* * * * *

(g) In response to a written request by the Commission, an applicant for a license to possess and use more than one effective kilogram of special nuclear material shall file with the Commission the installation information described in § 75.11 of this chapter on Form N–71. The applicant shall also permit verification of such installation information by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in § 75.6 and §§ 75.11 through 74.14 of this chapter.

§ 70.22 [Amended]

47. In § 70.22, footnote 1 is removed.

§ 70.58 [Amended]

48. In § 70.58, Footnote 1 is removed.

§ 70.71 [Amended]

49. The note following § 70.71 is removed.

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

50. Section 71.6 is added to Subpart A to read as follows:

§ 71.6 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0008.

(b) The approved information collection requirements contained in this part appear in §§ 71.5, 71.12, 71.31, 71.33, 71.35, 71.37, 71.85, 71.87, 71.89, 71.91, 71.93, 71.95, 71.97, 71.101, 71.103, 71.105, 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, 71.125, 71.127, 71.129, 71.131, 71.133, 71.135, and 71.137.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

51. Section 73.8 is added to read as follows:

§ 73.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0002.

(b) The approved information collection requirements contained in this part appear in §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45, 73.46, 73.50, 73.55, 73.67, 73.70, 73.71, 73.72, and Appendices B and C.

§ 73.80 [Amended]

52. The note following § 73.80 is removed.

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

53. Section 75.9 is added to read as follows:

§ 75.9 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0055.

(b) The approved information collection requirements contained in this part appear in §§ 75.7, 75.12, 75.21, 75.22, 75.23, 75.24, 75.31, 75.36, 75.43, 75.44, and 75.45.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In §§75.11 and 75.14, Form N–71 is approved under control number 3150–0056.

(2) In §§75.31, 75.32, 75.33, and 75.35, Form NRC–742 is approved under control number 3150–0004.

(3) In §§75.33 and 75.34, Form NRC–741 is approved under control number 3150–0003.

(4) In §§75.34 and 75.35, Form NRC–740M is approved under control number 3150–0057.

(5) In §75.35, Form NRC–742C is approved under control number 3150–0058.

54. In § 75.11, the introductory text of paragraph (d) is revised to read as follows:

§ 75.11 Installation information.

* * * * *

(d) The information specified in paragraphs (a) and (c) of this section shall be prepared on Form N–71 or other forms supplied by the Commission (including appropriate IAEA Design

Information Questionnaire forms). The information shall be sufficiently detailed to enable knowledgeable determinations to be made in the development of Facility Attachments or amendments thereto, including:

* * * * *

55. In § 75.14, the introductory text of paragraph (a) is revised to read as follows:

§ 75.14 Supplemental information.

(a) At the time information is submitted by a licensee under § 75.11(a) (Form N–71), and promptly whenever changes are made, such licensee shall submit to the Commission:

* * * * *

56. Section 75.31 is revised to read as follows:

§ 75.31 General requirements.

Each licensee who has been given notice by the Commission in writing that its installation has been identified under the Agreement shall make an initial inventory report, on DOE/NRC Form-742, and thereafter shall make accounting reports, with respect to such installation; and, in addition, licensees who have been given notice, pursuant to § 75.41, that their installations are subject to the application of IAEA safeguards, shall make the special reports described in § 75.36. Such reports shall be based on the records kept in accordance with § 75.21. At the request of the Commission, the licensee shall amplify or clarify any report with respect to any matter relevant to implementation of the Agreement. Such amplification or clarification shall be in writing and shall be submitted, to the address specified in the request, within twenty (20) days or such other time as may be specified by the Commission.

57. In § 75.33, paragraph (a) is revised to read as follows:

§ 75.33 Accounting reports.

(a) The accounting reports for each IAEA material balance area shall consist of (1) inventory change reports showing all changes in the inventory of nuclear material on DOE/NRC Form-741 and (2) material status reports showing the material balance based on a physical inventory of nuclear material actually present on DOE/NRC Form-742.

* * * * *

PART 95—SECURITY FACILITY APPROVAL AND SAFEGUARDS OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

58. Section 95.8 is added to read as follows:

§ 95.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0047.

(b) The approved information collection requirements contained in this part appear in §§ 95.11, 95.15, 95.21, 95.25, 95.33, 95.36, 95.37, 95.41, 95.45, 95.47, 95.53, and 95.57.

PART 100—REACTOR SITE CRITERIA

59. Section 100.8 is added to read as follows:

§ 100.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0093.

(b) The approved information collection requirements contained in this part appear in Appendix A.

PART 110—EXPORT AND IMPORT OF NUCLEAR FACILITIES AND MATERIAL

60. Section 110.8 is added to read as follows:

§ 110.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et. seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0036.

(b) The approved information collection requirements contained in this part appear in §§ 110.30, 110.31, 110.32, 110.33, 110.34, 110.35, 110.50, and 110.53.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In § 110.30, Form NRC–7 is approved under control number 3150–0027.

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

61. Section 140.9a is added to read as follows:

§ 140.9a Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0039.

(b) The approved information collection requirements contained in this part appear in §§ 140.6, 140.7, 140.15, 140.17, 140.20, 140.21 and 140.22.

§ 140.93 [Amended]

62. The note following § 140.93 is removed.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

63. Section 150.8 is added to read as follows:

§ 150.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0032.

(b) The approved information collection requirements contained in this part appear in §§150.16, 150.17, 150.17a, 150.19, 150.20, and 150.31.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In §§ 150.16 and 150.17, Form NRC–741 is approved under control number 3150–0003.

(2) In § 150.20, Form NRC–241 is approved under control number 3150–0013.

§ 150.30 [Amended]

64. The note following § 150.30 is removed.

Dated at Washington, DC, this 3rd day of May, 1984.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 84–12516 Filed 5–8–84; 8:45 am]

BILLING CODE 7590–01–M

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10 CFR Parts 30, 40 and 70

Regional Licensing Program; Further Implementation

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The NRC is amending its regulations concerning the domestic licensing of source, byproduct, and special nuclear material (hereafter referred to as nuclear materials) to provide information about the additional implementation of NRC's decentralized licensing program. This amendment broadens the scope of the program in all Regions to include additional types of nuclear material licenses. Publication of the amendment is to inform present or prospective licensees of current NRC practice and organization.

EFFECTIVE DATE: April 2, 1984.

FOR FURTHER INFORMATION CONTACT: Donald R. Chapell, Deputy Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (301) 427–4152.

SUPPLEMENTARY INFORMATION: On May 27, 1982 (47 FR 23138) and again on April 14, 1983 (48 FR 16030) (effective April 1, 1983), the Nuclear Regulatory Commission (NRC) published rules amending the domestic licensing of nuclear materials to decentralize parts of its licensing program. The NRC is again amending its regulations to broaden further the scope of its decentralization program. These revisions to §§ 30.6, 30.32, 40.5, 40.31, 70.5, and 70.21 specify that inquiries concerning NRC regulations in 10 CFR Parts 30 through 35, 40, and 70 and applications for additional types of licenses, license renewals, and revisions be sent to the appropriate regional office, rather than NRC headquarters offices. Included in this action are licenses in the following categories: teletherapy, well-logging, industrial radiography, irradiators, nuclear pharmacies, medical product distribution, measuring systems, nuclear laundries, receipt of radioactive waste, generally licensed distributions, pacemakers and other smaller categories of nuclear material licenses.

This action transfers the responsibility to license the distribution of radioactive material to specific and general licensees to the Regional Offices. Regional Offices also become responsible for licensing actions concerning the manufacture of products containing radioactive material to persons exempt pursuant to 10 CFR 32.11 through 32.26. However, the responsibility for the licensing of the distribution of products containing radioactive material to persons exempt prusuant to 10 CFR 32.11 through 32.26 remains at NRC Headquarters. These amendments do not apply in Agreement States or to Federal facilities, but do apply to all other licensees and applicants in non-Agreement States, Guam, Puerto Rico, the Virgin Islands, and the District of Columbia. Delegations of authority to the Regional Administrators are contained in NRC Manual Chapter 0128. The changes to §§ 30.6, 30.32, 40.5, 40.31, 70.5 and 70.21 are nonsubstantive amendments. The revised sections indicate the type of licensing authority delegated to Regional Administrators.

Other changes have been made to delete Utah from the list of Non-Agreement States in Region IV. Utah became an Agreement State on April 1, 1984.

Since these are minor, procedural amendments relating to agency organizational and management; notice, opportunity for comment and a delay of effective date are not required by the Administrative Procedure Act. (5 U.S.C. 553).

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget approval numbers 3150–0017 for Part 30, 3150–0020 for Part 40, and 3150–0009 for Part 70.

List of Subjects

10 CFR Part 30

Byproduct material, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Government contracts, Hazardous materials-transportation, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 70

Hazardous matrials-transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552, the following amendments to 10 CFR Parts 30, 40, and 70 are published as a document subject to codification.

The authority citation for this document is:

Authority: Sec. 161, Pub. L. 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201); Sec. 201, Pub. L. 93–438, 88 Stat. 1242, as amended (42 U.S.C. 5841).

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. In § 30.6, the introductory text of paragraph (b) and paragraphs (b)(1) and (b)(2)(iv) are revised to read as follows:

§ 30.6 Communications.

* * * * *

(b) The Commission has delegated to the five Regional Administrators licensing authority for selected parts of its decentralized licensing program for nuclear materials as described in paragraph (b)(1) of this section. Any communication, report, or application covered under this licensing program must be submitted as specified in paragraph (b)(2) of this section.

(1) The delegated licensing program includes authority to issue, renew, amend, cancel, modify, suspend, or revoke licenses for nuclear materials issued pursuant to 10 CFR Parts 30 through 35, 40, and 70 to all persons (except Federal agencies) for academic, medical, and industrial uses, with the following exceptions:

(i) Activities in the fuel cycle and special nuclear material in quantities sufficient to constitute a critical mass in any room or area. This exception does not apply to license modifications relating to termination of special nuclear material licenses that authorize

possession of larger quantities when the case is referred for action from NRC's headquarters to the Regional Administrators.

(ii) Health and safety design review of sealed sources and devices, and approval, for licensing purposes, of sealed sources and devices.

(iii) Processing of source material for extraction of metallic compounds (including Zirconium, Hafnium, Tantalum, Titanium, Niobium, etc.).

(iv) Distribution of products containing radioactive material to persons exempt pursuant to 10 CFR 32.11 through 32.26.

(2) * * *

(iv) Region IV. With the exception of Federal facilities, the regional licensing program involves the following Region IV non-Agreement States: Montana, Oklahoma, South Dakota, and Wyoming. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region IV, Material Radiation Protection Section, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011.

* * * * *

2. In § 30.32, paragraph (a) is revised to read as follows:

§ 30.32 Application for specific licenses.

(a) A person may file an application for a specific license in duplicate on Form NRC 313, "Application for Material License." The application must be submitted to the Commission in accordance with the instructions in § 30.6. Information contained in previous applications, statements, or reports filed with the Commission or the Atomic Energy Commission may be incorporated by reference, if the references are clear and specific.

* * * * *

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

3. In § 40.5, the introductory text of paragraph (b) and paragraphs (b)(1) and (b)(2)(iv) are revised to read as follows:

§ 40.5 Communications.

* * * * *

(b) The Commission has delegated to the five Regional Administrators licensing authority for selected parts of its regional licensing program for nuclear materials as described in paragraph (b)(1) of this section. Any communication, report, or application covered under this licensing program must be submitted as specified in paragraph (b)(2) of this section.

(1) The delegated licensing program includes authority to issue, renew, amend, cancel, modify, suspend, or revoke licenses for nuclear materials issued pursuant to 10 CFR Parts 30 through 35, 40 and 70 to all persons (except Federal agencies) for academic, medical, and industrial uses, with the following exceptions:

(i) Activities in the fuel cycle and special nuclear material in quantities sufficient to constitute a critical mass in any room or area. This exception does not apply to license modifications relating to termination of special nuclear material licenses that authorize possession of larger quantities when the case is referred for action from NRC's headquarters to the Regional Administrators.

(ii) Health and safety design review of sealed sources and devices, and approval, for licensing purposes, of sealed sources and devices.

(iii) Processing of source material for extraction of metallic compounds (including Zirconium, Hafnium, Tantalum, Titanium, Niobium, etc.).

(iv) Distribution of products containing radioactive material to persons exempt pursuant to 10 CFR Parts 32.11 through 32.26.

(2) * * *

(iv) Region IV. With the exception of Federal facilities, the regional licensing program involves the following Region IV non-Agreement States: Montana, Oklahoma, South Dakota, and Wyoming. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region IV, Material Radiation Protection Section, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011.

* * * * *

4. In § 40.31, paragraph (a) is revised to read as follows:

§ 40.31 Applications for specific licenses.

(a) A person may file an application for a specific license in quadruplicate on Form NRC–2, "Application for Source Material License." The application must be submitted to the Commission in accordance with the instructions in § 40.5. Information contained in previous applications, statements, or reports filed with the Commission may be incorporated by reference, if the references are clear and specific.

* * * * *

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

5. In § 70.5, the introductory text of paragraph (b) and paragraph (b)(1) and (b)(2)(iv) are revised to read as follows:

§ 70.5 Communications.

* * * * *

(b) The Commission has delegated to the five Regional Administrators licensing authority for selected parts of its regional licensing program for nuclear materials as described in paragraph (b)(1) of this section. Any communication, report, or application covered under this licensing program must be submitted as specified in paragraph (b)(2) of this section.

(1) The delegated licensing program includes authority to issue, renew, amend, cancel, modify, suspend, or revoke licenses for nuclear materials issued pursuant to 10 CFR Parts 30 through 35, 40 and 70 to all persons (except Federal agencies) for academic, medical, and industrial uses, with the following exceptions:

(i) Activities in the fuel cycle and special nuclear material in quantities sufficient to constitute a critical mass in any room or area. This exception does not apply to license modifications relating to termination of special nuclear material licenses that authorize possession of larger quantities when the case is referred for action from NRC's headquarters to the Regional Administrators.

(ii) Health and safety design review of sealed sources and devices, and approval, for licensing purposes, of sealed sources and devices.

(iii) Processing of source material for extraction of metallic compounds (including Zirconium, Hafnium, Tantalum, Titanium, Niobium, etc.).

(iv) Distribution of products containing radioactive material to persons exempt pursuant to 10 CFR 32.11 through 32.26.

(2) * * *

(iv) Region IV. With the exception of Federal facilities, the regional licensing program involves the following Region IV non-Agreement States: Montana, Oklahoma, South Dakota, and Wyoming. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region IV, Material Radiation Protection Section, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011.

* * * * *

6. In § 70.21, paragraph (a) is revised to read as follows:

§ 70.21 Filing.

(a)(1) A person may apply for a license to possess and use special nuclear material in a plutonium processing or fuel fabrication plant, by filing 25 copies of the application with the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(2) A person may apply for any other license issued under this part, by filing six copies of the application in accordance with the instructions in §70.5.

(3) Information contained in previous applications, statements, or reports filed with the Commission may be incorporated by reference if the references are clear and specific.

* * * * *

Dated at Bethesda, MD this 19th day of April, 1984.

For the Nuclear Regulatory Commission.

William J. Dirks,

Executive Director for Operations.

[FR Doc. 84-12515 Filed 5-8-84; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8828]

G.R.I. Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: This order reopens the proceeding and modifies a consent order entered on Feb. 11, 1972 (37 FR 5366), which required a direct mail marketing firm, among other things, to cease disseminating advertisements and promotional materials which falsely guarantee or misrepresent the quality or price of any drug, food or beauty preparation. The order further required the firm to clearly and conspicuously disclose in close proximity to any offer used to enroll consumers in a plan in which other items would be shipped regularly at additional charges, the full details and conditions of that plan, and to repeat them each time the offer was mentioned in the ad. Under the modifying order, the company must clearly and conspicuously disclose near any "free" or special offers that acceptance of the offer places further obligations on the consumer. Except where a coupon or similar form of acceptance is included, respondent need only disclose details of such obligations once elsewhere in the ad.

DATES: Consent Order issued Feb. 11, 1972. Modifying Order issued April 20, 1984.

FOR FURTHER INFORMATION CONTACT: FTC/PC, Robert Barton, Washington, D.C. 20580, (202) 376-2894.

SUPPLEMENTARY INFORMATION: In the Matter of G.R.I. Corporation, a corporation. Codification appearing at 37 FR 5366 remains unchanged.

List of Subjects in 16 CFR Part 13

Direct mail marketing, Trade practices.

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

The Modifying Order, including further order requiring report of compliance therewith, is as follows:

Order Reopening the Proceeding and Modifying Cease and Desist Order

In the matter of G.R.I. Corporation, a corporation; Docket No. 8828.

On December 23, 1983, G.R.I. Corporation, [hereinafter G.R.I. or respondent] respondent in the above-captioned matter, filed a petition pursuant to Rule 2.51 of the Commission's Rules of Practice to reopen the proceeding and modify the order entered therein.

The order, which was entered in 1972, covers the offering for sale, sale, or distribution of "Bio-Rich Beauty Cream," "Over Fifty Capsulets," and "Beauty Kits," or any food, drug, or cosmetic.

The order, among other things, prohibits the respondent from falsely guaranteeing its products, misrepresenting the quality of its products in any way, misrepresenting various quality aspects of its products, misrepresenting various aspects of its prices, or attempting to collect for merchandise which has been refused or returned. Paragraph 1(a) of the order prohibits respondent from representing that "[a]ny product is offered free or under any other terms where the offer is used as a means of enrolling those who accept the offer in a plan whereby additional supplies of the product are shipped at an additional charge unless all of the conditions of the plan are disclosed clearly and conspicuously and within close proximity to the 'free' or other offer."

G.R.I. now seeks to modify the order, by adding a provision to paragraph 1(a) of the order which would permit it to have the option of clearly and conspicuously disclosing obligations attendant upon acceptance of the free or nominally priced offer and then clearly and conspicuously disclosing the complete terms of the offer elsewhere. Thus, the alternative language would not require that respondent disclose all the conditions "within close proximity to the free or other offer" as is now mandated.

The Commission has concluded that the petition is in the public interest and should be granted. The proposed modification should be sufficient to ensure that consumers are aware of their obligations in accepting the free or other offer. Not only is respondent required by the modified order to disclose clearly and conspicuously and within close proximity to the offer that there are other conditions that a consumer assumes upon accepting the offer, but the respondent must clearly and conspicuously set forth elsewhere in the advertisement the complete details, conditions, and obligations. Thus, assuming that the proper language is used, a consumer can be expected to be aware of the obligations attendant upon acceptance of the offer. Moreover, as noted by G.R.I. in its petition, the proposed modification is identical to that granted on March 17, 1983, by the Commission in Golden Tabs Pharmaceutical Co., Inc., Docket 8792.

Respondent has attached several advertisements to its petition, including those which purport to contain disclosures that would satisfy the proposed modified order. Respondent is advised that, in granting the petition, the Commission does not agree that the attached advertisements, or the disclosures contained therein, would constitute satisfactory compliance with the modified order.

It is therefore ordered that the proceeding is hereby reopened and the Decision and Order issued February 11, 1972, in Docket No. 8828 is hereby modified to read as follows:

Order

It is ordered, That respondent G.R.I. Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of "Bio-Rich Beauty Cream," "Over Fifty Capsulets," and "Beauty Kits," or any food, drug or cosmetic, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing the dissemination of, by means of the United States mails or by means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication that:

(a) Any product is offered "free" or under any other terms where the offer is used as a

means of enrolling those who accept the offer in a plan whereby additional supplies of the product are shipped at an additional charge unless all of the conditions of the plan are disclosed clearly and conspicuously and within close proximity to, the "free" or other offer; or, alternatively, any product is offered free or under any other terms when the offer is used as a means of enrolling those who accept the offer in a plan whereby additional supplies of the product are shipped at an additional charge unless (1) respondent discloses clearly, conspicuously, and within close proximity to the free or other offer that there is a further obligation upon the consumer upon acceptance of the offer, and (2) respondent also discloses clearly and conspicuously elsewhere in the advertisement the complete details, conditions, and obligations attendant upon acceptance of the offer, provided further that, if the advertisement includes a coupon, signature space, or other designated means by which the consumer is intended to accept the offer, respondent discloses clearly and conspicuously on or in close proximity to the coupon or other space provided for acceptance of the offer the complete details, conditions and obligations attendant upon acceptance of the offer, but such complete disclosure need not appear more than once in the advertisement, including the coupon.

(b) Persons who respond to advertisements incur no obligation when responding to such advertisements: Provided, however, This prohibition shall not apply to a representation that persons receiving merchandise are under no obligation to keep or to continue receiving such merchandise.

(c) Respondent's products are guaranteed in any manner unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which said guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; and unless the respondent fully, satisfactorily and promptly performs all of its obligations and requirements under the terms of the guarantee.

(d) The freshness or potency of any vitamin-mineral or cosmetic preparation is guaranteed.

(e) Any offer is limited in time or in any other manner unless any represented limitation or restriction is actually imposed and adhered to.

(f) Women of any special age require special care or attention for their skin or skin problems.

(g) Bio-Rich Beauty Cream or the ingredients thereof is new or is a recent discovery.

(h) Any price for respondent's products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondent in the recent regular course of its business, and unless respondent has maintained business records that substantiate an established selling price at which such products have been sold in substantial quantities in the recent regular course of its business; or misrepresenting in any manner the savings available to purchasers. In the sale of the products of others, including assortments and/or kits containing the products of others, a representation of comparable value shall not violate the provisions of this paragraph when such comparable value is based on respondent's good faith reliance upon a manufacturer's assurance of value based on (1) substantial recent sales of an item at a given price, or (2) in the case of items that are packaged in a size not otherwise sold to the public, based on a prorata adjustment from the prices obtained for those sizes of the items that have been sold recently and in substantial quantities. Written evidence of said manufacturer's assurance of value shall be maintained by respondent.

(i) That regulations and scientific controls relating to respondent's products have been strictly observed, or in any manner representing that respondent's products conform to any stricter regulations or controls than those required for any other similar products.

(j) That the use of respondent's vitamin-mineral "capsulets" will be of benefit in the prevention of the symptoms of tiredness, nervousness, restlessness, listlessness, worry, irritability, tension, depression, lack of pep or energy, loss of vigor or vitality, or lack of alertness, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms are due to a deficiency of Vitamin B–1 (Thiamin), Vitamin B–2 (Riboflavin), Vitamin C (Ascorbic Acid), or Niacinamide, and further, unless such advertising clearly and conspicuously reveals the facts that in the great majority of persons, or of any age, sex, or other group or class thereof, who experience such symptoms, these symptoms are caused by conditions other than those which may respond to the use of respondent's vitamin-mineral preparation, and that in such persons the preparation will not be of benefit.

(k) That the ingredients in respondent's vitamin-mineral preparation other than Vitamin B–1 (Thiamin), Vitamin B–2 (Riboflavin), Vitamin C (Ascorbic Acid), or Niacinamide will be of benefit in the prevention of tiredness, nervousness, restlessness, listlessness, worry, irritability, tension, depression, lack of pep or energy, loss of vigor or vitality, or lack of alertness.

2. Dissemination, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's products in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited by Paragraph 1 hereof.

It is further ordered, That respondent G.R.I. Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of "Bio-Rich Beauty Cream," "Over Fifty Capsulets," and "Beauty Kits," or any food, drug or cosmetic product in commerce, as "commerce" is defined by the Federal Trade Commission Act, do forthwith cease and desist from:

1. Shipping or sending any merchandise to any person without the prior expressed request or consent of the person to whom such merchandise is sent, unless such merchandise is a free sample and has attached to it a clear and conspicuous statement informing the recipient that he may treat the merchandise as a gift to him and has the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender in regard to that merchandise.

2. Mailing any bill or any dunning communication for any merchandise shipped or sent without the prior expressed request or consent of the recipient, to such recipient.

3. Shipping or sending merchandise to any person and attempting, or causing to attempt, the collection of the price thereof when a notification of cancellation for any further shipments of merchandise has been sent by such person: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted under this prohibition for respondent to affirmatively establish that: (1) Such merchandise had been shipped less than ten (10) working days after said notification of cancellation had been received by respondent in the regular course of business, and (2) no invoices, except for that one accompanying the shipment of said merchandise, or any notice requesting payment for or return of said merchandise had been sent or caused to be sent by respondent to such person concerning said shipment, except that respondent may send one notice to such person advising that the cancellation has been effected and requesting the return of such merchndise if respondent clearly discloses in said notice that such person is under no obligation to return said mercchandise, and respondent promises to pay for the return of said merchandise and further, respondent, in fact reimburses such person for any expenses incurred in its return.

4. Attempting, or causing to attempt, the collection of the price for merchandise when such merchandise has been refused and returned to respondent: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted under this prohibition for respondent to affirmatively establish that any collection notice sent in regard to said refused and returned merchandise could not reasonably be halted after the return of said merchandise, except that this defense shall be unavailable with respect to any collection notice sent more than twenty (20) days after the date on which such merchandise has been refused, returned, and received by respondent in the regular course of business.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions or departments.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this modified order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

It is further ordered, That the foregoing modification shall become effective upon service of the Order.

By direction of the Commission.
Dated: April 20, 1984.

Emily H. Rock,

Secretary.

[FR Doc. 84-12472 Filed 5-8-84; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 9163]

Rentacolor, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final Order.

SUMMARY: This order requires two Newington, Conn. firms engaged in the public leasing of color television sets and other video equipment, among other things, to cease representing in advertisements the amount of any payment, the number of payments required, or that no downpayment or other payment is necessary at the consummation of a lease, without also including the disclosures required by the Consumer Leasing Act and Sections 213.4 and 213.5 of Regulation M. The order additionally bars the companies from failing to properly include statutorily required disclosures in contracts and other leasing instruments; and dismisses the complaint against the individual respondent.

DATES: Complaint issued Nov. 1, 1982. Final Order issued April 16, 1984.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PD, Ronald Issac, Washington, D.C. 20580. (202) 724-1094.

SUPPLEMENTARY INFORMATION: In the Matter of Rentacolor, Inc., a corporation; Rentacolor U.S.A., Inc., a corporation; and Brian N. Cawley, individually and as an officer of said corporations. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements; § 13.533 Corrective actions and/or requirements; 13.533-37 Formal regulatory and/or statutory requirements. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act.

[1] Copies of the Complaint, Initial Decision and Opinion of the Commission are filed with the original documents.

List of Subjects in 16 CFR Part 13

Consumer leasing, Trade practices, Video equipment.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, *et seq.*)

The Final Order, including further order requiring report of compliance therewith, is as follows:

Final Order

In the matter of Rentacolor, Inc., et al.; Docket No. 9163.

This matter has been heard by the Commission upon respondents' appeal from the initial decision and upon briefs in support thereof and in opposition thereto. Oral argument was waived. The Commission, for the reasons stated in the accompanying Opinion, has granted the appeal in part and denied it in part.

After the record closed, respondent Brian N. Cawley submitted a motion requesting leave to file an affidavit. It is ordered that respondent Cawley's affidavit be placed on the record.

It is further ordered that the initial decision of the administrative law judge be adopted as the Findings of Fact and Conclusions of Law of the Commission except where inconsistent with the attached Opinion and that the complaint as to respondent Brian N. Cawley be dismissed.

It is further ordered that the following Order to Cease and Desist be entered:

Order

I

It is ordered that respondents Rentacolor, Inc., a corporation, and Rentacolor U.S.A., Inc., a corporation, their successors and assigns, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with any consumer lease or arrangement for a consumer lease, or any advertisement to aid, promote, or assist directly or indirectly any consumer lease, as "consumer lease" and "advertisement" are defined in Regulation M (12 CFR Part 213), do forthwith cease and desist from:

A. Representing in any advertisement, directly or by implication, the amount of any payment, the number of required payments, or that any or no downpayment or other payment is required at consummation of the lease, unless all of the following items are disclosed as applicable, as required by Section 213.5(c) of Regulation M:

(1) That the transaction advertised is a lease;

(2) The total amount of any payment such as a security deposit or capitalized cost reduction required at the consummation of the lease, or that no such payments are required;

(3) The number, amounts, due dates or periods of scheduled payments, and the total of such payments under the lease;

(4) A statement of whether or not the lessee has the option to purchase the leased property and at what price and time; and

(5) A statement of the amount or method of determining the amount of any liabilities the lease imposes upon the lessee at the end of the term and a statement that the lessee shall be liable for the difference, if any, between the estimated value of the leased property and its realized value at the end of the lease term, if the lessee has such liability.

B. Failing to make all of the required disclosures prior to consummation of the transaction, as required by § 213.4(a)(2) of Regulation M, together on either:

(1) The contract or other instrument evidencing the lease on the same page and above the place for the lessee's signature; or

(2) A separate statement which identifies the lease transaction.

C. Failing to disclose the total of the periodic payments scheduled under the lease, as required by § 213.4(g)(3) of Regulation M.

D. Failing to disclose whether or not the lessee has the option to purchase the leased property, as required by § 213.4(g)(11) of Regulation M.

E. Failing, in any consumer lease transaction or advertisement, to make all the disclosures required by §§ 213.4

and 213.5 of Regulation M in the manner prescribed by §§ 213.4 and 213.5 of Regulation M.

II

It is further ordered that the respondents distribute a copy of this Order to all operating divisions of said corporations and to present or future personnel, agents, or representatives of said corporations having sales, advertising, or policy responsibilities with respect to the subject matter of this Order, and that respondents secure from each such person a signed statement acknowledging receipt thereof.

III

It is further ordered that the respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of this Order.

IV

It is further ordered that the respondents shall, within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Issued: April 16, 1984.
By the Commission.

Emily H. Rock,
Secretary.

[FR Doc. 84-12473 Filed 5-7-84; 8:45 am]
BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket 9085]

General Foods Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Dismissal order.

SUMMARY: In this Final Order, the Commission denied complaint counsel's appeal against an ALJ's Initial Decision dated Jan. 25, 1982, sustained the ID for reasons set forth in its accompanying Opinion, and dismissed the Complaint charging a leading processed food manufacturer with violating Section 5 of the Federal Trade Commission Act and Section 2(a) of the Clayton Act, in connection with the marketing of Regular Maxwell House Coffee.

DATES: Complaint issued July 4, 1976. Final Order issued April 6, 1984.*

FOR FURTHER INFORMATION CONTACT: FTC/CS-1, Charles W. Corddry, Washington, D.C. 20580, (202) 724-1269.

SUPPLEMENTARY INFORMATION: In the Matter of General Foods Corporation, a corporation.

List of Subjects in 16 CFR Part 13

Coffee, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

Before the Federal Trade Commission

[Docket No. 9085]

Final Order

In the matter of General Foods Corporation, a corporation.

This matter has been heard by the Commission upon the appeal of complaint counsel from the initial decision and upon briefs and oral argument in support of and in opposition to the appeal. For the reasons stated in the accompanying Opinion, the Commission has determined to sustain the initial decision. Complaint counsel's appeal is denied. Accordingly,

It is ordered, That the complaint is dismissed.

Issued: April 6, 1984.

By the Commission.

Emily H. Rock,
Secretary.

Concurring Opinion of Michael Pertschuk in General Foods Corp., Docket No. 9085

April 6, 1984.

I concur in the Commission's decision to dismiss the complaint in this matter. On this record I cannot conclude that respondent General Foods engaged in predatory pricing or other conduct in violation of the antitrust laws.

The essential element of predatory pricing that is missing in this case is the "dangerous probability of success." *E.I. DuPont de Nemours & Co.*, 96 F.T.C. 653, 725 (1980). While I conclude that General Foods possessed sufficient market power[1] in at least some geographic markets to engage in effective predatory pricing, I am unable to conclude, on the basis of the facts of this case, that General Foods did engage in illegal predatory pricing.

A necessary element of predatory pricing is the likely effect of a pricing policy "that somehow restricts competition by driving out existing rivals or by excluding potential rivals from the market." Joskow and Klevorick, "A Framework For Analyzing Predatory Pricing Policy", 89 Yale L.J. 213, 219 (1979). It would theoretically be possible for a large, well-funded competitor to price below some measure of its costs for the period of time necessary to drive a smaller competitor out of the market or to deter one from entering the market. The larger company would then be free to raise prices and gain market share. This scenario is only possible, however, where the larger competitor has a reasonable expectation of driving a smaller competitor out of the market or discouraging new entrants in the market. In other situations, pricing below some measure of cost will only result in aggresive price competition. Predatory pricing, like aggressive price competition, benefits consumers in the *short run.* The difference between them is that in the *long run* consumers are the losers when predatory pricing occurs.

The situation the Commission faces in General Foods has more in common with aggressive competition than predatory pricing. Even though General Foods priced below some measure of costs and had market power to influence prices in geographic markets considerably smaller than the entire U.S.,[2] it still did not have the ability to succeed at monopolization when dealing with a competitor as formidable as Procter & Gamble. As the Administrative Law Judge concluded, "it is simply inconceivable, given Procter & Gamble's marketing expertise and its financial resources * * * [that General Foods] could succeed in monopolizing the sale of regular coffee in the [relevant] sales districts." Initial Decision at 149-50. See also IDF 231-32. I believe this conclusion is required, not because the activities of General Foods could not constitute predatory pricing, but because the record does not

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*Copies of the Complaint, Initial Decision and Opinion of the Commission are filed with the original documents.

[1] General Foods's market share in its sales districts over the period 1971-77 range from a low of 34.9% to a high of 61.4%, averaging nearly 50%. IDF 278. I have no trouble in concluding that such market power could result in illegal predatory pricing in other circumstances.

[2] I disagree with the ALJ's conclusion that the relevant geographic market is the entire United States. The ALJ dismissed substantial evidence of General Foods' supra-competitive profits (IDF 330-333) in areas significantly smaller than the entire U.S. as well as substantial barriers to entry such as advertising costs and competition for scarce shelf space. Furthermore, there is substantial evidence that General Foods' pricing and marketing policies assume that distinct geographic markets much smaller than the entire U.S. exist. (IDF 283-302)

demonstrate a dangerous probability that General Foods could succeed at driving a determined and well-funded competitor such as Procter & Gamble out of the market. Nor is there any credible evidence that General, Foods' pricing activities created a dangerous probability of driving any smaller competitors out of the market or deterring their entry.

While much of the text of the majority's opinion is mere dicta, I am compelled to register my disagreement on several important points. First, the majority's opinion suggests that pricing below "cost" is an "ambiguous signal," (Maj. Op. at 21) and that "prices below some measures of variable cost do not by themselves mean the seller has violated the antitrust laws." (Maj. Op. at 22). But prices at that level are highly suspect if not *per se* predatory.[3] More importantly, however, prices above some measure of average variable cost can also be predatory.[4] Courts are increasingly examining the effect of pricing in the market in which it occurs rather than merely adhering to strict cost/price accounting principles to determine whether pricing is predatory.[5] Some of the factors that might lead the Commission to conclude that illegal predatory pricing exists even when pricing is above average variable cost include the existence of significant barriers to entry, the use of limit pricing, the existence of excess capacity in the market, the use of non-price predation, and other competitive factors.[6] The Commission and the Courts should retain the flexibility to condemn predatory pricing as illegal where an examination of a firm's pricing and other actions in the competitive environment demonstrate the requisite predatory intent, market power, and dangerous probability of successful monopolization even if prices are above the level of average variable cost. This accords with the judicial trend to employ a more flexible test than that proposed by Professor Areeda and Turner, a test which has the distinct disadvantage of holding "dominant firm pricing per se legal." [7]

Second, I disagree with the implication in the majority opinion that the standard of liability for attempted monopolization under the Sherman Act is the same as the standard for price discrimination under Section 2(a) of the Robinson-Patman Act. (Maj. Op. at 62–65). Under Section 2(a) of the Robinson-Patman Act the Commission need only prove that the effect of price discrimination "may be substantially to lessen competition." This should not be confused with the need to demonstrate a dangerous probability of successful monopolization to prove predatory pricing under the Sherman Act.[8] Similarly, while the majority pays lip service to the notion that Section 5 of the FTC Act has a broader reach than the Sherman Act (Maj. Op. at 59–62), I think it is important to state unequivocally that Section 5 gives the Commission important powers to prohibit conduct that does not fall squarely within the Sherman Act or the Robinson-Patman Act.[9] For example, the use of strategic, below cost pricing which harmed competition by significantly delaying or permanently deterring entry of potential competitors could constitute an unfair method of competition even if General Foods was unlikely to achieve a monopoly position.

Concurring Opinion of Commissioner Patricia P. Bailey in General Foods Corporation, Docket 9085

April 6, 1984.

I concur in the dismissal of this case, but perhaps on narrower grounds than the majority and certainly without endorsing much of the overbroad and unnecessary theory which is introduced into the opinion.

My reason for dismissing the case is simply a demonstrated lack of anticompetitive effects. In all the proposed submarkets General Foods lost market share by the end of the alleged periods of predation. Moreover, no competing roasters were forced to halt operations or were driven from the market; some even expanded business.

As to the appropriate geographic market definition, I agree that the price data are not clear enough to support complaint counsel's chosen submarkets of General Foods' sales districts. Moreover, evidence on significant levels of transshipments tends to disprove those specific markets. On the other hand, I would emphasize that the transshipment evidence, standing alone, could not establish anything close to a national coffee market. For one thing, evidence on product differentiation as an entry barrier and market-definer is a good deal stronger than the opinion acknowledges. All the major coffee wholesalers' promotional strategies are tailored to meet the differing demand characteristics of some local area. (IDFs 38–67) The trouble is, the borders of a market can be defined by grocery retail and distributional patterns, by television broadcast limits, or by coupon redemption limitations. (*e.g.*, IDFs 69–72, 82–84, 88–89) No one of these variables stands out as the consistent and direct equivalent of General Foods sales districts; nor is it possible, on this record, to use these factors to draw more accurate local markets. This does not mean, however, that product differentiation can never by an entry barrier,[1] merely that in this instance there has been an inexact showing of its scope and effect. I must therefore disassociate myself from that part of the opinion which so strongly suggests that the term "entry barriers" can never be applied to any cost faced by both current market participants and potential entrants. This 'Stiglerian' definition is flawed by failure to recognize that firms already in the market often spend far less to get the same result as the entrant, whether that result be scale economies, know-how, promotional and distributional efficiencies, or consumer acceptance. Established firms build on previous

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[3] See *e.g., Northeastern Tel. Co.* v. *AT&T*, 651 F.2d 76, 88 (2d Cir. 1981), *cert. denied*, 455 U.S. 943 (1982); *William Inglis & Sons Baking Co.* v. *ITT Continental Baking Co.*, 668 F.2d 1014, 1036 (9th Cir. 1981), *cert. denied*, 103 S. Ct. 58 (1982).

[4] See generally, Brodley and Hay, "Predatory Pricing: Competing Economic Theories and the Evolution of Legal Standards," 66 Cornell L. Rev. 738 (1981); Joskow and Klevorick, "A Framework for Analyzing Predatory Pricing Policy," 89 Yale L. J. 213 (1979).

[5] See *International Air Industries Inc.* v. *American Excelsior Co.*, 517 F.2d 714, (5th Cir. 1975), *cert. denied*, 424 U.S. 943 (1976) *Superturf Inc.* v. *Monsanto Co.*, 660 F.2d 1275 (8th Cir. 1981); *Transamerica Computer Co.* v. *IBM Corp.*, 698 F.2d 1377, (9th Cir. 1983); *Chillicothe Sand & Gravel Co.* v. *Martin Marietta Corp.*, 615 F.2d 427, (7th Cir. 1980); *Pacific Engineering Prod. Co.* v. *Kerr-McGee Corp.*, 551 F.2d 790 (10th Cir.) *cert. denied*, 434 U.S. 879 (1977), *California Computer Products* v. *IBM*, 613 F.2d 737 (9th Cir. 1979); *ILC Peripherals Leasing Corp.* v. *IBM*, 1458 F. Supp. 423, (N.D. Cal. 1978) aff'd. 636 F.2d 1188 (9th Cir. 1981).

[6] See *Transamerica Computer Co., Inc.* v. *IBM Corp.*, 698 F.2d 1377, 1387 (9th Cir.) cert denied 104 S. Ct. 370 (1983) ("prices exceeding average total cost might nevertheless be predatory in some circumstances" including limit pricing and temporary reductions by a monopolist to a level "above average total cost but below the profit-maximizing price whenever a new entrant appears ready to enter the market."); *ILC Peripherals Leasing Corp.* v. *IBM, supra* (barriers to entry should be considered in addition to price/cost analysis); *William Inglis & Sons Baking Co.* v. *ITT Continental Baking Co., Inc., supra*, 668 F.2d at 1035 (standard for determining illegality of predatory pricing not based on "rigid adherence to a particular cost-based rule").

[7] Brodley and Hay, *supra*, 66 Cornell L. Rev. at 793.

[8] See *William Inglis & Sons Baking Co.* v. *ITT Continental Baking Co., supra*, 668 F.2d at 1042.

[9] See *e.g., FTC* v. *Brown Shoe Co.*, 384 U.S. 316 (1966); *Grand Union* v. *FTC*, 300 F.2d 92 (2d Cir. 1960). See also Handler and Stever, "Attempts to Monopolize and No-Fault Monopolization," 129 v. Pa. L. Rev. 125, 177–180 (1980).

[1] *See, e.g.*, Caves and Porter, "From Entry Barriers to Mobility Barriers: Conjectural Decisions and Contrived Deterrence to New Competition," 91 *Q.J. Econ.* 241 (1977); Spence, "Entry Capacity, Investment, and Oligopolistic Pricing," 8 *Bell J. Econ.* 534 (1977).

investments in market knowledge whereas their new rivals face significant information costs. *See, e.g.*, Demsetz, *Barriers to Entry*, 72 Amer. Econ. Rev. 47, 50 (1982); Schmalensee, *On the Use of Economic Models in Antitrust: The ReaLemon Case*, 127 U. of Pa. L. Rev. 994, 1021 (1979). Thus in this case, over the last twenty years, before Procter & Gamble there were only two major entrants into General Foods' eastern sales districts, and much evidence linking their success to substantial promotional efforts. Procter & Gamble's own experience shows how successful entry turns on stimulating local consumer demand, and that such efforts are both difficult and expensive. The nation's second largest coffee producer found it neither quick nor easy to erode General Foods' dominance of the east coast and any submarkets therein.

I applaud the time-saving analytical approach taken in the opinion, with its emphasis on doing no more than is necessary to resolve the case. I regret, therefore, that having mapped out such an efficient course, the opinion then immediately strays into a wholly unnecessary discussion of the correct cost standard for predation. I will reserve my full comments on this subject until they are relevant to a Commission decision.[2] I will note briefly, however, that a majority of the Commission apparently feels that pricing above average variable cost is protected by a strong presumption of legality whereas pricing below average variable cost produces a fairly weak presumption of illegality. I believe the relative weights of the presumptions should be reversed.

I believe the opinion does not sufficiently emphasize that there is a lower threshold for competitive harm under the Robinson-Patman Act than under the Sherman Act. Although the Sherman Act and Robinson-Patman Act march together on proof of anticompetitive conduct and intent from below cost pricing, they part company when it comes to proof of injury to competition. The offense of attempted monopolization requires proof of a dangerous probability of success, while Section 2(a) of the Robinson-Patman Act requires only a showing that a price discrimination "may" substantially lessen competition. By phrasing the prohibition prophylactically, Congress intended to prevent the results of full scale anticompetitive behavior by catching price discrimination in its incipiency and preventing its growth. *FTC* v. *Morton Salt Co.*, 334 U.S. 37, 43–47 (1948). Moreover, while Section 2 of the Sherman Act requires attempted monopolization of a "part" of commerce, and therefore looks to general competitive conditions in the line of commerce affected, Section 2(a) of the Robinson-Patman Act requires only an impermissible effect upon competition among the price-discriminating seller's competitors or customers. *William Inglis & Sons Baking Co.* v. *ITT Continental Baking Co.*, 668 F.2d 1014, 1042 (9th Cir. 1981, as amended on denial of rehearing and rehearing *en banc*, 1982), *cert. denied*, 103 S. Ct. 58 (1982). Taken together, I interpret these two provisions of the Robinson-Patman statute to allow somewhat more latitude for a determination of competitive injury than does the Sherman Act.[3] This does not mean that the injury standard is inevitably satisfied by mere diversion of business from a competitor, or even by one competitor's exit from the market due to alleged predatory pricing. On the other hand, the standard can be met by a showing of below-cost pricing which has severely weakened a class of competitors and augmented the predator's market power, albeit not to the very high levels which may be needed to prove a dangerous probability of success. In this case, however, I agree that injury to competition—in any quantum—has not been shown.

[FR Doc. 84-12619 Filed 5-8-84; 8:45 am]
BILLING CODE 6750-01-M

[2] I have discussed predation previously, in my February 28, 1983, dissenting statement on the final order in Borden, Inc., Docket No. 8978.

[3] *See generally*, Marasco, Tracing an Antitrust Injury in Secondary Line Price Discrimination Cases, 50 Fordham L. Rev. 909, 911–18 (1982).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulation No.16]

Supplemental Security Income for the Aged, Blind, and Disabled; Eligibility

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: We have amended our regulations to clarify section 1611(e)(1)(A) of the Social Security Act (the Act) which states that individuals who are inmates of a public institution throughout a month are not eligible for Supplemental Security Income (SSI) benefits for such month. Section 416.201 of our existing regulations defines a resident of a public institution and excepts from the status of resident of a public institution individuals living in a public educational institution and enrolled in or registered for the educational or vocational training provided by the institution. A "resident" of a public institution means the same thing as an "inmate" of a public institution as used in 1611(e)(1)(A) of the Act. We amended § 416.201 to make it clear that, in order for an individual who is a resident of a public educational institution to come within the exception, the individual must be in the public educational institution primarily to receive educational or vocational training. Further, educational or vocational training is defined as a recognized program to acquire knowledge or skills to prepare for gainful employment and the definition states that the term does not include training limited to acquisition of basic life skills.

EFFECTIVE DATE: These regulations are effective June 1, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Clara B. Powell, Legal Assistant, 3–B–4 Operations Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–7459.

SUPPLEMENTARY INFORMATION: On February 10, 1983, we published a Notice of Proposed Rulemaking in the **Federal Register** (48 FR 6133). The public was invited to submit comments pertaining to the proposed rule changes within a period of 60 days from date of publication. We have considered carefully the comments received and have responded to the issues raised later in the preamble. We have revised our rules to clarify the conditions under which a resident of a public educational institution may be eligible for SSI benefits. Section 1611(e)(1)(A) of the Act provides that individuals who are inmates of public institutions throughout a month are not eligible for SSI benefits for such month. Section 416.201 of our existing regulations explains that "resident" means the same thing as "inmate," defines a resident of a public institution, and also provides an exception to that status for individuals who are living in a public educational institution and enrolled in or registered for the educational or vocational training provided by the institution. This definition is now revised because it does not state clearly the circumstances under which individuals in public educational institutions meet the exception to status as residents of public institutions. The lack of specificity in the regulations that these regulations supersede resulted in the filing of applications and payment of benefits on behalf of some severely

disabled individuals whose training is not in preparation for gainful employment. Payment to such individuals is contrary to the purpose of the exception to status as a resident of a public institution which is to enable individuals to become self-supporting.

New Regulations

We have amended § 416.201 by adding a definition of educational or vocational training and by rewording the definition of a resident of a public institution. We have defined educational or vocational training as a recognized program for the acquisition of knowledge and skills to prepare an individual for gainful employment. The definition specifically excludes training limited to the acquisition of basic life skills such as eating, dressing, and toilet training. The definition of a resident of a public institution now states that status as a resident of such an institution does not apply to individuals living in public educational institutions for the primary purpose of receiving educational or vocational training as defined in the section. Thus, individuals who live in public educational institutions for the primary purpose of acquiring educational or vocational training that will prepare them for gainful employment and who meet all other requirements for eligibility will be eligible for SSI benefits. The amendments to the regulations are consistent with our interpretation of the existing regulations.

Comments Received Following Publication of Notice of Proposed Rulemaking

We received comments from 19 sources. Each source commented on one or more provisions of the proposed regulations. For ease of comprehension, we have condensed, summarized, or paraphrased the comments and have grouped them according to the subject and issue raised.

Comment: Several commenters suggested that § 416.201 include a cross reference to the other exceptions to the status of "resident of a public institution" currently in §§ 416.211(b) and 416.211(c) so as to prevent possible confusion and misinterpretation.

Response: The final regulations have been revised to reflect the suggested cross references.

Comment: Several commenters viewed the definition of educational or vocational training as too narrow, given the fact the Congress has expressed a desire through Pub. L. 93–112 (Rehabilitation Act of 1973) and Pub. L. 94–142 (Education for All Handicapped Children Act of 1975) to have the term "educational and vocational training" interpreted quite broadly when applied to severely handicapped individuals. One commenter viewed the definition as objectionable in that it has the connotation of placing undue emphasis on the monetary value of such training.

Response: One objective of the SSI program is to provide a needy disabled or blind individual with the opportunity and encouragement to attain or regain the ability to work in order to contribute to his/her own financial support. Through educational or vocational training efforts, many can become self supporting.

The objectives of Pub. L. 93–112 (The Vocational Rehabilitation Act) parallel the SSI objective in that vocational rehabilitation services reasonably may be expected to benefit a disabled individual in terms of employability. Most vocational objectives under Pub. L. 93–112 will meet the definition of educational or vocational training for SSI purposes. The overall objective of Pub. L. 94–142 is to assist States in providing a free appropriate public education to all handicapped children ages 3 to 21. Some kinds of training provided by States or political subdivisions as required under Pub. L. 94–142 are not realistically in preparation for gainful employment in many cases. However, training under Pub. L. 94–142 that teaches skills that could prepare an individual for a work environment (sheltered or competitive) meets the definition of educational or vocational training for SSI purposes.

Comment: Several commenters viewed the attempt to limit the meaning of educational or vocational training as creating new inequities, impacting on funding for training, restricting services to developmentally disabled persons appropriately served in State residential facilities, and affecting the quality of life for individuals who are mentally deficient.

Response: The definition of educational/vocational training in § 416.201 is for SSI purposes only. Thus, existing programs that provide training and services to developmentally disabled individuals are not affected by SSA's definition of what constitutes training for SSI purposes. The SSI program recognizes the need to provide opportunites for developmentally disabled individuals to function in a community setting. For example, section 1611(e)(1)(c) permits payment of SSI benefits to individuals in publicly operated community residences that serve no more than 16 residents. This provision allows SSI eligibility for individuals placed in smaller, more home-like faciltities. Along the same lines, we have always provided in the regulations that an individual may receive, or continue to receive, SSI benefits for which he or she would otherwise be eligible but for living in a public institution, if residing there primarily for the purpose of receiving eductional or vocational training. The purpose of this policy is to provide the opportunity and incentive for the individual to try to become self-supporting. To the extent he or she is successful, and is able to work and earn money, the individual may become less dependent on SSI benefits. The present change seeks to make clear this long-standing policy.

Comment: Several commenters suggested that language be included to provide that medical services financed through a Medicaid home and community care waiver, under the provision of section 1915(c) of the Act, not be considered educational or vocational training services for purposes of determining SSI eligibility or benefit level.

Response: Any services that are properly paid for by Medicaid are medical services for SSI purposes. The same services would not be both educational/vocational and medical. Therefore, we see no need to include such language in these regulations.

Comment: One commenter suggested that the regulations should specify which organization(s) is responsible for determining whether an institutional educational/vocational program is a "recognized program". The commenter also indicated that the phrase "to prepare individuals for gainful employment" is unnecessary and should be removed from the regulations on the basis that the participation of an institutionalized individual in an educational/vocational training program, in and of itself, provides sufficient evidence of the participant's efforts to gain skills that will aid in self-sufficiency. Another suggestion was that the regulations should be broadened to include residents of public institutions, in general, as long as the resident is participating in an educational/vocational training program approved by a State Department of Education, and that the exception should apply whether or not the primary purpose of the individual's residence in the public institution is for educational/vocational training as long as the individual is participating in such a program.

Response: The Social Security Administration is responsible for determining whether an educational/vocational program is a "recognized program". However, that information is

not appropriately a part of the definition of "educational or vocational training". Our operating procedures are specific in this regard. The specificity regarding "gainful employment" is necessary because some types of training provided by States and political subdivisions are not realistically in preparation for gainful employment in many cases. Thus, the phrase "to prepare individuals for gainful employment" is in keeping with the objective of the SSI program to provide an exception to the nonpayment provision in section 1611(e)(1)(A) of the Act so that needy disabled, blind, and aged individuals may be provided with encouragement and an opportunity to contribute to their own support. It has been longstanding SSA policy that individuals in a public institution that is a multiple purpose facility, part of which is an educational and/or vocational training facility with an approved program and part of which is not, are excepted from the nonpayment provision as long as they are in the public institution primarily to participate in the educational/vocational training. Thus, it is appropriate for the regulations to maintain that intent.

Regulatory Procedures

Executive Order 12291—These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. Based on the best available information, these regulations will entail no program costs but will obviate anticipated program and administrative costs. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act—These regulations impose no additional reporting or recordkeeping requirements requiring Office of Management and Budget clearance.

Regulatory Flexibility Act—We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

(Sections 1102 and 1631 of the Social Security Act, as amended; 49 Stat. 1302, as amended; 86 Stat. 1475, as amended; 42 U.S.C. 1302 and 1383)

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled, Public assistance programs, Supplemental Security Income.

Dated: December 5, 1983.

Martha A McSteen,

Acting Commissioner of Social Security.

Approved: April 11, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 416—[AMENDED]

Part 416 of Title 20 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Subpart B is revised to read as follows:

Authority: Secs. 1102, 1602, 1611, 1614, and 1631 of the Social Security Act as amended, Secs. 211 and 212 of Pub. L. 93-66, 49 Stat. 647 as amended, 86 Stat. 1465, 86 Stat. 1466, 86 Stat. 1471, 86 Stat. 1475, 87 Stat. 154, and 87 Stat. 155, (42 U.S.C. 1302, 1381a, 1382, 1382c, and 1383).

2. In § 416.201 a definition of "Educational or vocational training" is added and the definition of "Resident of a public institution" is revised to read as follows:

§ 416.201 General definitions and terms used in this subpart.

* * * * *

"Educational or vocational training" means a recognized program for the acquisition of knowledge or skills to prepare an individual for gainful employment. For purposes of these regulations, educational or vocational training does not include programs limited to the acquisition of basic life skills including but not limited to eating and dressing.

* * * * *

"Resident of a public institution" means a person who can receive substantially all of his or her food and shelter while living in a public institution. The person need not be receiving treatment and services available in the institution and is a resident regardless of whether the resident or anyone else pays for all food, shelter, and other services in the institution. A person is not a resident of a public institution if he or she is living in a public educational institution for the primary purpose of receiving educational or vocational training as defined in this section. A "resident" of a public institution means the same thing as an "inmate" of a public institution as used in section 1611(e)(1)(A) of the Social Security Act. (See § 416.211 (b) and (c) of this subpart for other exceptions to the status of resident of a public institution.)

* * * * *

[FR Doc. 84-12454 Filed 5-8-84; 8:45 am]
BILLING CODE 4190-11-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 676

Comprehensive Employment and Training Act Regulations Final Decisions of the Secretary

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor is issuing a final rule to revise the procedures governing final decisions of the Secretary under the now expired Comprehensive Employment and Training Act (CETA). This revision to the regulations establishes a time limit within which the Secretary must notify the parties that an appeal of an administrative law judge's CETA decision has been accepted for review. This amendment revises and clarifies the CETA appeals procedures in a manner consistent with the appeals procedures established by the successor Job Training Partnership Act.

EFFECTIVE DATE: May 9, 1984.

FOR FURTHER INFORMATION CONTACT: Robert N. Colombo, Acting Director, Office of Employment and Training Programs, 601 D Street, NW., Room 6402, Washington, D.C. 20213, telephone number: (202) 376-6093.

SUPPLEMENTARY INFORMATION: On October 13, 1982, the President signed into law the Job Training Partnership Act, Pub. L. 97-300 (JTPA). This statute replaces CETA with State administered programs to train economically disadvantaged persons. JTPA programs were implemented by October 1, 1983. Section 181(e) of JTPA provides that CETA administrative proceedings pending on the date of the JTPA enactment or begun between the date of enactment and September 30, 1984 continue in effect.

The Department is amending the CETA regulation in 20 CFR 676.91(f) to establish a time limit for the acceptance of an appeal from an administrative law judge's (ALJ) decision. The amendment also clarifies the present appeals procedure wherein a party dissatisfied with an ALJ decision has 30 calendar days from receipt of the decision to file exceptions with the Secretary. Any exception not specifically urged is waived. Under the amendment, the Secretary has 20 calendar days to notify the parties that the case has been accepted for review. If timely exceptions are not filed and/or the Secretary does

not notify the parties that the case has been accepted for review, the ALJ decision automatically becomes the final decision of the Secretary.

This revision concerns the internal processing of administrative appeals and does not change the requirements for filing appeals. Since this modification involves only rules of agency procedure and practice for which notice and comment are not required under 5 USC 553(b)(A), the regulation is being issued in final form.

This final rule is effective upon publication. The rule is procedural and is designed to make more uniform the internal processing of appeals to the Secretary from CETA decisions of ALJs. 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 USC 553(d).

Regulatory Impact

Executive Order No. 12291

This final rule concerns the agency's processing of matters internally, and, as such, is a rule related to agency management not covered by the requirements of Executive Order No. 12291. E.O. 12291, § 1(a)(3). Accordingly, it was not submitted to the Director, Office of Management and Budget, for review, and no regulatory impact analysis is required.

Regulatory Flexibility Act

This document was not preceded by the publication of a general notice of proposed rulemaking, and, therefore, is not a "rule" as defined in the Regulatory Flexibility Act. 5 U.S.C. 601(2) and 604(a). Accordingly, it was not transmitted to the Chief Counsel for Advocacy, Small Business Administration, and no regulatory flexibility analysis was prepared.

Paperwork Reduction Act

This amendment to the regulations does not require information collection, recordkeeping, or records creation by the public, and, as such, is not covered by the Paperwork Reduction Act of 1980. 44 U.S.C. Ch. 35; see 5 CFR § 1320.3(c).

List of Subjects in 20 CFR Part 676

Grant programs, Labor, Manpower training programs.

Promulgation of Final Rule

Accordingly, for the reasons set forth above, Part 676 of Chapter V of Title 20, Code of Federal Regulations is amended as follows:

PART 676—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. The authority citation for Part 676 is as follows:

Authority: Sec. 126 of the Comprehensive Employment and Training Act (20 U.S.C. 801 *et seq.*), unless otherwise noted.

§ 676.91 [Amended]

2. In § 676.91, paragraph (f) is revised to read as follows:

§ 676.91 Post-hearing procedures.

* * * * *

(f) *Final decision.* The decision of the administrative law judge shall constitute final action by the Secretary unless, within 30 days after receipt of the decision of the administrative law judge, a party dissatisfied with the decision or any part thereof has filed exceptions with the Secretary specifically identifying the procedure, fact, law, or policy to which exception is taken. Any exception not specifically urged shall be deemed to have been waived. Thereafter the decision of the administrative law judge shall become the final decision of the Secretary unless the Secretary, within 20 days of such filing, has notified the parties that the case has been accepted for review.

* * * * *

Signed at Washington, D.C., this 3rd day of May, 1984.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 84-12447 Filed 5-8-84; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 80G-0412]

Certain Tocopherols; Affirmation of Gras Status as Direct Human Food Ingredients; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the final rule that amended the regulations affirming certain tocopherols as generally recognized as safe (GRAS). This document corrects an omission in the paragraph on economic effects.

FOR FURTHER INFORMATION CONTACT: Agnes Black, Federal Register Writer (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 84-8865 appearing on page 13346 in the issue for April 4, 1984, the following correction is made: On page 13348 in the second column, in the second paragraph under the list of reference, the first line is corrected to read "In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this rule, and the agency has determined that the rule is not a major rule as defined by the Order."

Dated: May 3, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-12416 Filed 5-8-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 510 and 555

Animal Drugs, Feeds, and Related Products; Chloramphenicol Capsules; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for a new animal drug application (NADA) for chloramphenicol capsules from Lemmon Co. to Drummer Division of Phoenix Pharmaceuticals, Inc.

EFFECTIVE DATE: May 9, 1984.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Center for Veterinary Medicine (formerly Bureau of Veterinary Medicine) (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: Drummer Division of Phoenix Pharmaceuticals, Inc., 111 Leuning St., South Hackensack, NJ 07606, informed the Center for Veterinary Medicine of a change of sponsor from Drummer Laboratories, Division of Lemmon Co., for NADA 65-345 Chloramphenicol Capsules. Lemmon Co. advised the Center for Veterinary Medicine of the sale to Phoenix of the NADA and certain facilities. The change of sponsor does not involve any changes in manufacturing facilities, equipment, procedures, or personnel. The animal drug regulations are amended in 21 CFR 510.600(c) and 555.110b to reflect the new sponsor.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting requirements.

21 CFR Part 555

Animal drugs, Antibiotics, Chloramphenicol.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Parts 510 and 555 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended in paragraph (c)(1) by adding a new entry alphabetically and in paragraph (c)(2) by adding a new entry numerically, to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Drummer Division of Phoenix Pharmaceuticals, Inc., 111 Leuning St., South Hackensack, NJ 07606	052492
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
052492	Drummer Division of Phoenix Pharmaceuticals, Inc., 111 Leuning St., South Hackensack, NJ 07606.
* * * * *	

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

§ 555.110b [Amended]

2. In Part 555, § 555.110b *Chloramphenicol capsules* is amended in paragraph (c)(2)(i) by removing the sponsor number "000693" and adding in numerical sequence sponsor number "052492."

Effective date. May 9, 1984.

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

Dated: May 2, 1984.

William B. Bixler,

Associate Director for Surveillance and Compliance, Center for Veterinary Medicine.

[FR Doc. 84-12419 Filed 5-8-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 510 and 555

Animal Drugs, Feeds, and Related Products; Chloramphenicol Capsules; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify a previously approved new animal drug application (NADA) for chloramphenicol capsules and to reflect a change of sponsor from Pharmusa Corp. to Nylos Trading Co.

EFFECTIVE DATE: May 9, 1984.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Center for Veterinary Medicine (formerly Bureau of Veterinary Medicine) (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: Nylos Trading Co., Inc., 127 Nixon Ave., Staten Island, NY 10304, filed supplemental NADA 65-150 providing for a change of sponsor from Pharmusa Corp. to its subsidiary Nylos Trading Co.

This action, an intracorporate change of sponsor, does not involve changes in manufacturing facilities, equipment, procedures, or personnel. Accordingly, under the Center for Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category I supplemental approval which does not require reevaluation of the safety and effectiveness data in the original application. The NADA, originally approved December 13, 1966 as a Form 6, had not previously been codified, nor the sponsor added to the list of sponsors of approved NADA's. Therefore, the regulations are amended in 21 CFR 510.600(c) to add the sponsor and in 21 CFR 555.110b to reflect the approval.

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

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting requirements.

21 CFR Part 555

Animal drugs, Antibiotics, Chloramphenicol.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Parts 510 and 555 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended in paragraph (c)(1) by adding a new entry alphabetically and in paragraph (c)(2) by adding a new entry numerically, to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Nylos Trading Co., Inc., 127 Nixon Ave., Staten Island, NY 10304	027454
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
027454	Nylos Trading Co., Inc., 127 Nixon Ave., Staten Island, NY 10304.
* * * * *	

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

§ 555.110b [Amended]

2. In Part 555, § 555.110b *Chloramphenicol capsules* is amended in paragraph (c)(2)(i) by adding in numerical sequence the sponsor number "027454."

Effective date. May 9, 1981.

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

Dated: May 2, 1984.

William B. Bixler,

Associate Director for Surveillance and Compliance, Center for Veterinary Medicine.

[FR Doc. 84-12420 Filed 5-8-84; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Apramycin Sulfate Soluble Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Products Co. providing for safe and effective use of apramycin sulfate soluble powder in the drinking water of swine for control of porcine colibacillosis.

EFFECTIVE DATE: May 9, 1984.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Center for Veterinary Medicine (formerly Bureau of Veterinary Medicine) (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Elanco Products Co., a Division of Eli Lilly & Co., 740 South Alabama St., P.O. Box 1750, Indianapolis, IN 46285, filed supplemental NADA 106-964 providing for use of apramycin sulfate soluble powder in the drinking water of swine for the control (rather than treatment) of porcine colibacillosis (weanling pig scours) caused by strains of *E. coli* sensitive to apramycin and for use of a reduced dosage of the drug. The supplemental NADA is approved and the regulations are amended accordingly. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

The Center for Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Center's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)), may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 520

Animal drugs oral use.

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

§ 520.110 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.110 *Apramycin sulfate soluble powder* in paragraph (a) by changing the phrase "3,300 pounds" to read "6,600 pounds" and the phrase "50 gallons" to read "100 gallons"; in paragraph (d)(1) by changing the word "treatment" to read "control"; and in paragraph (d)(2) by changing the phrase "25 milligrams" to read "12.5 milligrams," the phrase "11.4 milligrams" to read "5.7 milligrams," and the phrase "750 milligrams" to read "375 milligrams."

Effective date. May 9, 1984.

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

Dated: April 30, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84-12418. Filed 5-8-84; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Sterile Benzathine Penicillin G and Procaine Penicillin G Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Pfizer, Inc., providing for subcutaneous use of benzathine penicillin G and procaine penicillin G suspension in treating beef cattle for certain bacterial infections.

EFFECTIVE DATE: May 9, 1984.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Center for Veterinary Medicine (formerly Bureau of Veterinary Medicine) (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 East 42d St., New York, NY 10017, filed NADA 65-498 providing for subcutaneous use of benzathine penicillin G and procaine penicillin G suspension in treating beef cattle for certain susceptible bacterial infections. The NADA is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

The Center for Veterinary Medicine has concluded that this approval will not significantly increase human exposure to residues of the drug in edible tissues because the product is currently regulated under 21 CFR 540.255c for the same conditions of use. Therefore, this approval did not require reevaluation of the underlying human food safety data.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

List of Subjects in 21 CFR Part 540

Animal drugs, Antibiotics, Penicillin.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.38), Part 540 is amended in § 540.255c by adding paragraph (c)(2)(iii) and (4)(iii), to read as follows:

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 540.255c Sterile benzathine penicillin G and procaine penicillin G suspension.

* * * * *

(c) * * *

(2) * * *

(iii) See No. 000069 in § 510.600(c) of this chapter for the conditions of use in paragraph (c)(4)(iii) of this section.

(4) * * *

(iii) It is used in beef cattle for treatment of bacterial pneumonia (shipping fever) (*Streptococcus* spp., *Corynebacterium pyogenes, stophylococcus aureus*); upper respiratory infections such as rhinitis or pharyngitis (*Corynebacterium pyogenes*); and blackleg (*Clostridium chauvoei*).

(*a*) Inject subcutaneous 2 milliliters per 150 pounds of body weight. Repeat dosage in 48 hours. Limit treatment to two doses.

(*b*) Not for use within 30 days of slaughter.

Effective date. May 9, 1984.

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

Dated: April 30, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84–12417 Filed 5–8–84; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 31, 36, 46, 48, 49, 51, 52, 154 and 601

[T.D. 7953]

Federal Tax Deposit System

AGENCY: Internal Revenue Service, Treasury.

ACTION: Treasury decision.

SUMMARY: This document contains amendments to the regulations relating to the Federal Tax Deposit (FTD) system.

Effective January 1, 1984, taxpayers who use the Federal Tax Deposit (FTD) system will no longer be required to use a specific FTD card for each type of tax remitted (*e.g.*, Form 501 for deposits of Withheld Income and FICA Taxes, Form 503 for Corporation Income Taxes). All current FTD forms will be replaced by a universal Federal Tax Deposit form, Form 8109, which will be scannable using optical character recognition equipment. This Treasury decision would conform the regulations to this change by deleting references to specific FTD forms and inserting references to the Universal Federal Tax Deposit form in lieu thereof.

This Treasury decision would also remove references to provisions of law which are no longer applicable.

The amendments would provide guidance to persons who use the FTD system.

DATES: These regulations are effective for Federal tax deposits remitted on or after January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mitchell H. Rapaport of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3829).

SUPPLEMENTARY INFORMATION:

Background

Effective January 1, 1984, taxpayers who use the Federal Tax Deposit (FTD) system will no longer be required to use a specific FTD card for each type of tax remitted (*e.g.*, Form 501 for deposits of Withheld Income and FICA Taxes, Form 503 for Corporation Income Taxes). All current FTD forms will be replaced by a universal Federal Tax Deposit form, Form 8109, which will be scannable using optical character recognition equipment. This Treasury decision would conform the regulations to this change by deleting references to specific FTD forms and inserting references to the universal Federal Tax Deposit form in lieu thereof.

This Treasury decision would also remove references to provisions of law which are no longer applicable.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 29, 1983.

Regulatory Flexibility Act

Because this regulation relates merely to a rule of agency procedure or practice the Internal Revenue Service has determined that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

The collection of information requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under section 3507 of the Paperwork Reduction Act (Control No. 1545–0257).

Drafting Information

The principal author of this regulation is Mitchell H. Rapaport of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulation on matters of substance and style.

List of Subjects

26 CFR 1.1441–1—1.1465–1

Income taxes, Aliens, Foreign corporations.

26 CFR 1.6151—1.6165–1

Income taxes, Administration and procedure, Payment of tax.

26 CFR 1.6302–1—1.6302–2

Income taxes, Administration and procedure, Tax depositaries.

26 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad retirement, Social security, Unemployment tax, Withholding.

26 CFR Part 36

Employment taxes, Foreign relations, Social security.

26 CFR Part 46

Banks, banking, Excise taxes, Insurance, Sugar.

26 CFR Part 48

Agriculture, Arms and munitions, Coal, Excise taxes, Gasohol, Gasoline, Motor vehicles, Petroleum, Sporting goods, Tires.

26 CFR Part 49

Banks, banking, Excise taxes, Recreation and recreation areas, Telegraph, Telephone, Transportation, Club dues.

26 CFR Part 51

Excise tax, Petroleum, Crude Oil Windfall Profit Tax Act of 1980.

26 CFR Part 52

Excise tax, Chemicals, Super fund, Hazardous Substance Response Revenue Act of 1980.

26 CFR Part 154

Aircraft, Airports, Excise taxes, Airway Revenue Act of 1970.

26 CFR Part 601

Administrative practice and procedure, Aged, Alcohol and alcoholic beverages, Arms and munitions, Cigars and cigarettes, Claims, Freedom of information, Taxes.

Adoption of Amendments to the Regulations

Accordingly 26 CFR Parts 1, 31, 36, 46, 48, 49, 51, 52, 154, and 601 are amended as follows:

PART 1—INCOME TAX REGULATIONS

§ 1.1461-3 [Amended]

Paragraph 1. Paragraph (c) of § 1.1461-3 is amended by removing the words "commercial banks" and inserting, in their place, the works "financial institutions".

§ 1.6151-1 [Amended]

Par. 2. Paragraph (d)(1) of § 1.6151-1 is amended by removing the words "commercial banks" and inserting, in their place, the words "financial institutions". Paragraph (d)(2) of § 1.6151-1 is amended by removing the words "such banks" and inserting, in their place, the words "such financial institutions".

§ 1.6152-1 [Amended]

Par. 3. Paragraph (a)(3) of § 1.6152-1 is amended by removing the words "commercial banks" and inserting, in their place, the words "financial institutions".

§ 1.6154-4 [Amended]

Par. 4. Section 1.6154-4 is amended by removing the words "commercial banks" and inserting, in their place, the words "financial institutions".

Par. 5. Paragraph (a) of § 1.6302-1 is amended by removing the last two sentences. Paragraph (c) of § 1.6302-1 is amended by removing "Form 503, the Federal Tax Deposit, Corporation Income Taxes, form" and by adding "the Federal Tax Deposit form" in lieu thereof. Paragraph (b) of § 1.6302-1 is revised to read as follows:

§ 1.6302-1 Use of Government depositaries in connection with corporation income and estimated income taxes.

* * * * *

(b) *Depositary forms.* A deposit required to be made by this section shall be made separately from a deposit required by any other section. A corporation may make one, or more than one, remittance of the amount required by this section to be deposited. Each remittance shall be accompanied by a Federal Tax Deposit form which shall be prepared in accordance with the instructions applicable thereto. The remittance, together with the Federal Tax Deposit form, shall be forwarded to a financial institution authorized as a depositary for Federal taxes in accordance with 31 CFR Part 214 or, at the election of the corporation, to a Federal Reserve bank. For procedures governing the deposit of Federal taxes at a Federal Reserve bank, see 31 CFR Part 214.7. The timeliness of the deposit will be determined by the date stamped on the Federal Tax Deposit form by the Federal Reserve bank or the authorized financial institution or, if section 7502(e) applies, by the date the deposit is treated as received under section 7502(e). Each corporation making deposits under this section shall report on the return, for the period with respect to which such deposits are made, information regarding such deposits according to the instructions that apply to such return. Amounts deposited under this section shall be considered as payment of the tax.

* * * * *

Par. 6. Subparagraph (1) of paragraph (a) of § 1.6302-2 is amended by removing the words "commercial bank" wherever they appear and inserting, in their place, the words "financial institution". Subparagraph (2) of paragraph (a) of § 1.6302-2 is removed. Subparagraph (3) of paragraph (a) of § 1.6302-2 is redesignated as subparagraph (2). Subparagraph (2) of paragraph (b) of § 1.6302-2 is removed. Subparagraphs (3), (4), (5), and (6) of § 1.6302-2(b) are redesignated as subparagraphs (2), (3), (4), and (5), respectively. Subparagraph (2), as redesignated, is amended by removing the last sentence. Subparagraph (1) of paragraph (b) and paragraph (c) of § 1.6302-2 are revised to read as follows:

§ 1.6302-2 Use of Government depositaries for payment of tax withheld on nonresident aliens and foreign corporations.

* * * * *

(b) *Depositary forms*—(1) *Remittances.* Each remittance of amounts required to be deposited by paragraph (a) of this section shall be accompanied by a Federal Tax Deposit form which shall be prepared in accordance with the instructions applicable thereto. The remittance, together with the Federal Tax Deposit form, shall be forwarded to a financial institution authorized as a depositary for Federal taxes in accordance with 31 CFR Part 214 or, at the election of the withholding agent, to a Federal Reserve bank. For procedures governing the deposit of Federal taxes at a Federal Reserve bank, see 31 CFR 214.7. The timeliness of the deposit will be determined by the date stamped on the Federal Tax Deposit form by the Federal Reserve bank or the authorized financial institution or, if section 7502(e) applies, by the date the deposit is treated as received under section 7502(e). Each withholding agent making deposits under this section shall report on the return, for the period with respect to which such deposits are made, information regarding such deposits according to the instructions that apply to such return.

* * * * *

(c) *Procurement of Federal Tax Deposit form.* Copies of the Federal Tax Deposit form will so far as possible be furnished withholding agents. A withholding agent will not be excused from making a deposit, however, by the fact that no form has been furnished to it. A withholding agent not supplied with the form should make application therefor in ample time to make the required deposits within the time prescribed. The withholding agent may secure the form or additional forms by applying therefor and supplying its name, identification number, address, and the taxable period to which the deposit will relate. Copies of the Federal Tax Deposit form may be secured by application therefor to the district director or director of a service center.

* * * * *

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE REGULATIONS

§ 31.6071(a)-1 [Amended]

Par. 7. Paragraphs (a) (1) and (c) of § 31.6071 (a)-1 are amended by removing the words "commercial bank" wherever they appear and inserting, in their place, the words "financial institution".

§ 31.6151-1 [Amended]

Par. 8. Paragraph (b) of § 31.6151-1 is amended by removing the words "commercial banks" and inserting, in their place, the words "financial institutions".

Par. 9. Paragraph (a)(1)(i)(*a*) of § 31.6302(c)-1 is amended by removing the words "paragraph (a)(1)(i)" wherever they appear and inserting, in their place, the words "subdivision (i)"; paragraph (a)(1)(i)(*a*) is further amended by inserting "(as defined in paragraph (a)(1)(iii) of this section)" after the words "undeposited taxes" and before the words "is $500." Paragraph (a)(1)(ii) of § 31.6302(c)-1 is amended by removing the words "commercial bank" and inserting, in their place, the words "financial institution". Subparagraph (2) of § 31.6302(c)-1(a) is removed. Subparagraphs (3) and (4) of § 31.6302(c)-1(a) are redesignated as subparagraphs (2) and (3), respectively.

and are revised to read as set forth below.

§ 31.6302(c)–1 Use of Government depositaries in connection with taxes under Federal Insurance Contributions Act and income tax withheld.

(a) *Requirement.* * * *

(2) *Depositary forms*—(i) *In general.* A deposit required to be made by this section shall be made separately from a deposit required by any other section. An employer may make one, or more than one, remittance of the amount required to be deposited. However, a deposit for a period in one calendar quarter shall be made separately from any deposit for a period in another calendar quarter. An amount of tax which is not required to be deposited may nevertheless be deposited if the employer so desires.

(ii) *Deposits.* Each remittance of amounts required to be deposited under paragraph (a)(1) of this section shall be accompanied by a Federal Tax Deposit form. Such form shall be prepared in accordance with the instructions applicable thereto. The remittance, together with the Federal Tax Deposit form, shall be forwarded to a financial institution authorized as a depositary for Federal taxes in accordance with 31 CFR Part 214 or, at the election of the employer, to a Federal Reserve bank. For procedures governing the deposit of Federal taxes at a Federal Reserve bank, see 31 CFR Part 214.7. The timeliness of the deposit will be determined by the date stamped on the Federal Tax Deposit form by the Federal Reserve bank or the authorized financial institution or, if section 7502(e) applies, by the date the deposit is treated as received under section 7502(e). Each employer making deposits under this section shall report on the return, for the period with respect to which such deposits are made, information regarding such deposits according to the instructions that apply to such return and pay at that time (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

(iii) *Time deemed paid.* In general, amounts deposited under subdivision (ii) of this subparagraph shall be considered as paid on the last day prescribed for filing the return in respect of such tax (determined without regard to any extension of time for filing such return), or at the time deposited, whichever is later. For purposes of section 6511 and the regulations thereunder, relating to period of limitation on credit or refund, if an amount is so deposited prior to April 15th of a calendar year immediately succeeding the calendar year which contains the period for which such amount was so deposited, such amount shall be considered as paid on such April 15th.

(3) *Procurement of prescribed form.* Copies of the Federal Tax Deposit form will so far as possible be furnished employers. An employer will not be excused from making a deposit, however, by the fact that no form has been furnished to it. An employer not supplied with the Federal Tax Deposit form should make application therefor in ample time to make the required deposits within the time prescribed. The employer may secure the form or additional forms by application therefor to the district director or director of a service center; such application shall supply the employer's name, identification number, address, and the taxable period to which the deposits will relate.

* * * * *

Par. 10. Paragraph (a) of § 31.6302(c)–2 is amended by removing the words "commercial bank" wherever they appear and inserting, in their place, the words "financial institution". Subparagraph (2) of paragraph (b) of § 31.6302(c)–2 is removed. Subparagraphs (3) and (4) of § 31.6302(c)–2 (b) are redesignated as (2) and (3), respectively. Subparagraph (3), as redesignated, is amended by removing "subparagraph (3)" and adding "subparagraph (2)" in lieu thereof. Subparagraph (2), as redesignated, of paragraph (b) and paragraph (c) of § 31.6302(c)–2 are revised to read as follows:

§ 31.6302(c)–2 Use of Government depositaries in connection with employee and employer taxes under Railroad Retirement Tax Act.

* * * * *

(b) *Depositary forms.* * * *

(2) *Deposits.* Each remittance of amounts required to be deposited shall be accompanied by a Federal Tax Deposit form which shall be prepared in accordance with the instructions applicable thereto. Except as provided in paragraph (a)(1), the remittance, together with the form, shall be forwarded to a financial institution authorized as a depositary for Federal taxes in accordance with 31 CFR Part 214 or, at the election of the employer, to a Federal Reserve bank. For procedures governing the deposit of Federal taxes at a Federal Reserve bank, see 31 CFR Part 214.7. The timeliness of the deposit will be determined by the date stamped on the Federal Tax Deposit form by the Federal Reserve bank or the authorized financial institution or, if section 7502(e) applies, by the date the deposit is treated as received under section 7502(e). Each employer making deposits under this section shall report on the return, for the period with respect to which such deposits are made, information regarding such deposits according to the instructions that apply to such return and pay at that time (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

* * * * *

(c) *Procurement of prescribed form.* Copies of the Federal Tax Deposit form will so far as possible be furnished employers. An employer will not be excused from making a deposit, however, by the fact that no form has been furnished to it. An employer not supplied with the form should make application therefor in ample time to make the required deposits within the time prescribed. The employer may secure the form or additional forms by applying therefor and supplying its name, identification number, address, and the taxable period to which the deposits will relate. Copies of the Federal Tax Deposit form may be secured by application therefor to the district director or director of a service center.

Par. 11. Paragraph (a) of § 31.6302(c)–3 is amended by removing the words "commercial bank" wherever they appear and inserting, in their place, the words "financial institution". Subparagraph (4) of paragraph (b) of § 31.6302(c)–3 is amended by removing *"forms"* from the caption and adding *"form"* in lieu thereof. Subparagraph (4) is further amended by removing "applicable deposit form" and adding "Federal Tax Deposit form" in lieu thereof and by removing "Form 508" and adding "the Federal Tax Deposit form" in lieu thereof. Subparagraph (2) of paragraph (b) is revised to read as follows:

§ 31.6302(c)–3 Use of Government depositaries in connection with tax under the Federal Unemployment Tax Act.

* * * * *

(b) *Depositary forms.* * * *

(2) *Use of Federal Tax Deposit form.* Each remittance of amounts required to be deposited under this section shall be accompanied by a prepunched and preinscribed Federal Tax Deposit form which shall be prepared in accordance with the instructions applicable thereto. The employer shall forward such remittance, together with the Federal Tax Deposit form, to a financial institution authorized as a depositary for Federal taxes in accordance with 31 CFR Part 214 or, at the election of the employer, to a Federal Reserve bank.

For procedures governing the deposit of Federal taxes at a Federal Reserve bank, see 31 CFR 214.7. The timeliness of deposits is determined by the date stamped on the Federal Reserve bank or the authorized financial institution or, if section 7502(e) applies, by the date the deposit is treated as received under section 7502(e).

* * * * *

§ 31.6302(c)-5 [Removed]

Par. 12. Section 31.6302(c)-5 is removed.

PART 36—REGULATIONS RELATING TO CONTRACT COVERAGE OF EMPLOYEES OF FOREIGN SUBSIDIARIES

§ 36.3121(l)(10)-4 [Amended]

Par. 13. Section 36.3121(l)(10)-4 is amended by removing the words "commercial bank" and inserting, in their place, the words "financial institution".

PART 46—REGULATIONS RELATING TO MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

§ 46.6071(a)-1 [Amended]

Par. 14. Paragraph (a) of § 46.6071(a)-1 is amended by removing the words "commercial bank" and inserting, in their place, the words "financial institution".

§ 46.6151-1 [Amended]

Par. 15. Section 46.6151-1 is amended by removing the words "commercial banks" and inserting, in their place, the words "financial institutions".

Par. 16. Paragraph (a)(2) of § 46.6302(c)-1 is amended by removing the words "commercial bank" and inserting, in their place, the words "financial institution". Subparagraph (2) of paragraph (c) of § 46.6302(c)-1 is removed. Subparagraphs (3) and (4) of paragraph (c) of § 46.6302(c)-1 are redesignated as (2) and (3), respectively. Subparagraph (2), as redesignated, of paragraph (c), and paragraph (d) of § 46.6302(c)-1 are revised to read as follows:

§ 46.6302(c)-1 Use of Government depositaries.

* * * * *

(c) *Depositary forms.* * * *

(2) *Deposits.* Each remittance of amounts required to be deposited shall be accompanied by a Federal Tax Deposit form which shall be prepared in accordance with the instructions applicable thereto. The remittance, together with a Federal Tax Deposit form, shall be forwarded to a financial institution authorized as a depositary for Federal taxes in accordance with 31 CFR Part 214 or, at the election of the person making the remittance, to a Federal Reserve bank. For procedures governing the deposit of Federal taxes at a Federal Reserve bank, see 31 CFR Part 214.7. The timeliness of the deposit is determined by the date stamped on the Federal Tax Deposit form by the Federal Reserve bank or the authorized financial institution or, if section 7502(e) applies, by the date the deposit is treated as received under section 7502(e). Each person making deposits under this section shall report on the return, for the period with respect to which such deposits are made, information regarding such deposits according to the instructions that apply to such return and pay at that time (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

* * * * *

(d) *Procurement of prescribed form.* Copies of the Federal Tax Deposit form will so far as possible be furnished persons required to deposit. Such a person will not be excused from making a deposit, however, by the fact that no form has been furnished to it. A person not supplied with the proper form should make application therefor in ample time to make the required deposits within the time prescribed. The person may secure the Federal Tax Deposit form or additional forms by applying therefor and supplying its name, identifcation number, address, and the taxable period to which the deposits will relate. Copies of the Federal Tax Deposit form may be secured by application therefor to the district director or director of a service center.

PART 48—REGULATIONS ON MANUFACTURERS AND RETAILERS EXCISE TAXES

§ 48.6071(a)-1 [Amended]

Par. 17. Paragraph (a) of § 48.6071(a)-1 is amended by removing the words "commercial bank" and inserting, in their place, the words "financial institution".

§ 48.6151-1 [Amended]

Par. 18. Section 48.6151-1 is amended by removing the words "commercial banks" and inserting, in their place, the words "financial institutions".

Par. 19. Subdivision (ii)(c)(*1*) of subparagraph (1) of § 48.6302(c)-1(a) is amended by removing "(the preceding calendar month for periods ending before Feb. 1, 1971)". Subdivision (ii)(*c*)(*2*) of subparagraph (1) of § 48.6302(c)-1(a) is amended by removing "(the last day of the first following month, in the case of a semimonthly period ending before Feb. 1, 1971)". Subparagraph (2) of paragraph (a) of § 48.6302(c)-1 is amended by removing the words "commercial bank" and inserting, in their place, the words "financial institution". Subparagraph (2) of § 48.6302(c)-1(b) is amended by removing "(i)" and the words "for semimonthly periods beginning after January 31, 1971,". Subparagraph (2) of § 48.6302(c)-1(b) is further amended by removing subdivision (ii). Subparagraph (2) of § 48.6302(c)-1(c) is removed and subparagraphs (3) and (4) are redesignated as subparagraphs (2) and (3), respectively. Subparagraph (3), as redesignated, is amended by removing "subparagraph (3)" and adding "subparagraph (2)" in lieu thereof. Subparagraph (2) of paragraph (c) and paragraph (d) of § 48.6302(c)-1 are revised to read as follows:

§ 48.6302(c)-1 Use of Government depositaries.

* * * * *

(c) *Depositary forms.* * * *

(2) *Deposits.* Each remittance of amounts required to be deposited shall be accompanied by a Federal Tax Deposit form which shall be prepared in accordance with the instructions applicable thereto. The remittance, together with a Federal Tax Deposit form, shall be forwarded to a financial institution authorized as a depositary for Federal taxes in accordance with 31 CFR Part 214 or, at the election of the person making the remittance, to a Federal Reserve bank. For procedures governing the deposit of Federal taxes at a Federal Reserve bank, see 31 CFR Part 214.7. The timeliness of the deposit is determined by the date stamped on the Federal Tax Deposit form by the Federal Reserve bank or the authorized financial institution or, if section 7502(e) applies, by the date the deposit is treated as received under section 7502(e). Each person making deposits under this section shall report on the return, for the period with respect to which such deposits are made, information regarding such deposits according to the instructions that apply to such return and pay at that time (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

* * * * *

(d) *Procurement of prescribed form.* Copies of the Federal Tax Deposit form will so far as possible be furnished persons required to deposit. Such a person will not be excused from making a deposit, however, by the fact that no form has been furnished to it. A person not supplied with the form should make application therefor in ample time to

make the required deposits within the time prescribed. The person may secure the form or additional forms by applying therefor and supplying its name, identification number, address and the taxable period to which the deposits will relate. Copies of the Federal Tax Deposit form may be secured by application therefor to the district director or director of a service center.

* * * * *

PART 49—REGULATIONS ON FACILITIES AND SERVICES EXCISE TAXES

§ 49.6151–1 [Amended]

Par. 20. Paragraph (a) of § 49.6151–1 is amended by removing the words "commercial banks" and inserting, in their place, the words "financial institutions".

Par. 21. Subdivision (i) of paragraph (a)(1) of § 49.6302(c)–1 is amended by removing "Except as provided in subdivision (ii) of this subparagraph, if" and adding "If" in lieu thereof. Subdivision (i) is further amended by adding a period after "the month following such month" and by removing the balance of the subdivision. Subdivision (ii) of subparagraph (1) of § 49.6303(c)–1(a) is amended by removing "during February and March 1967, or during a calendar quarter thereafter" and by removing the last sentence thereof. Paragraph (a)(2) of § 49.6302(c)–1 is amended by removing the words "commercial bank" and inserting, in their place, the words "financial institution". Subparagraph (2) of paragraph (c) of § 49.6302(c)–1 is removed. Subparagraphs (3), (4), and (5) of paragraph (c) of § 49.6302(c)–1 are redesignated as subparagraphs (2), (3), and (4), respectively. Subparagraph (3), as redesignated, is amended by removing "subparagraph (3)" and adding "subparagraph (2)" in lieu thereof. Paragraph (d) is removed. Paragraph (e) is redesignated as paragraph (d). Paragraph (c) (2) and (4), as redesignated, of § 49.6302(c)–1 is revised to read as follows:

§ 49.6302(c)–1 Use of Government depositaries.

* * * * *

(c) *Depositary forms.* * * *

(2) *Deposits.* Each remittance of amounts required to be deposited shall be accompanied by a Federal Tax Deposit form which shall be prepared in accordance with the instructions applicable thereto. The remittance, together with a Federal Tax Deposit form, shall be forwarded to a financial institution authorized as a depositary for Federal taxes in accordance with 31 CFR Part 214 or, at the election of the person making the remittance, to a Federal Reserve bank. For procedures governing the deposit of Federal taxes at a Federal Reserve bank, see 31 CFR Part 214.7. The timeliness of the deposit is determined by the date stamped on the Federal Tax Deposit form by the Federal Reserve bank or the authorized financial institution or, if section 7502(e) applies, by the date the deposit is treated as received under section 7502(e). Each person making deposits under this section shall report on the return, for the period with respect to which such deposits are made, information regarding such deposits according to the institutions that apply to such return and pay at that time (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

* * * * * *

(4) *Procurement of prescribed form.* Copies of the Federal Tax Deposit form will so far as possible be furnished persons required to deposit. Such a person will not be excused from making a deposit, however, by the fact that no form has been furnished to it. A person not supplied with the form should make application therefor in ample time to make the required deposits within the time prescribed. The person may secure the form or additional forms by applying therefor and supplying its name, identification number, address, and the taxable period to which the deposits will relate. Copies of the Federal Tax Deposit form may be secured by application therefor to the district director or director of a service center.

* * * * *

PART 51—EXCISE TAX REGULATIONS UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980

Par. 22. Subparagraph (2) of paragraph (i) of § 51.4995–3 is amended by removing "an FTD (Federal Tax Deposit, Excise Taxes) form (Form 504)" and adding "a Federal Tax Deposit form" in lieu thereof. Subparagraph (2) is further amended by removing "FTD Form 504" and adding "the Federal Tax Deposit form" in lieu thereof. Subparagraph (3) of paragraph (i) is revised to read as follows:

§ 51.4995–3 Depositary requirements.

* * * * *

(i) *Depositary forms.* * * *

(3) *Procurement of prescribed form.* Copies of the Federal Tax Deposit form will so far as possible be furnished to purchasers and producers. Such a person will not be excused from making a deposit, however, by the fact that no form has been furnished to it. A person not supplied with the form should make application therefor in ample time to make the required deposits within the time prescribed. A person may secure the form or additional forms by applying therefor and supplying its name, identification number, address, and the taxable period to which the deposits will relate. Copies of the Federal Tax Deposit form may be secured by application to a director of an Internal Revenue Service Center.

PART 52—ENVIRONMENTAL TAXES ON PETROLEUM AND CERTAIN CHEMICALS AND HAZARDOUS WASTE

Par. 23. Subparagraph (4) of paragraph (d) of § 52.6302(c)–1 is amended by removing "Form 504" and adding "the Federal Tax Deposit form", in lieu thereof. Subparagraph (4) is further amended by removing "proper". Subparagraph (2) of paragraph (d) of § 52.6302(c)–1 is revised to read as follows:

§ 52.6302–1 Use of Government depositaries.

* * * * *

(d) *Depositary forms.* * * *

(2) *Remittance.* Each remittance of an amount required to be deposited shall be accompanied by a Federal Tax Deposit form which shall be prepared in accordance with the applicable instructions. The remittance, together with a Federal Tax Deposit form, shall be forwarded to a financial institution authorized as a depositary for Federal taxes in accordance with 31 CFR Part 214 or, at the election of the person making the remittance, to a Federal Reserve bank. For procedures governing the deposit of Federal taxes at a Federal Reserve bank, see 31 CFR Part 214.7. The timeliness of the deposit will be determined by the date stamped on the Federal Tax Deposit form by a Federal Reserve bank or by the authorized financial institution, whichever is earlier. Section 7502(e), relating to timely mailing treated as timely filing and paying, shall apply to the same extent it applies to the collection of taxes under Chapter 32, relating to Manufacturers' Excise Taxes. Each person making deposits under this section shall report on the return, for the period with respect to which such deposits are made, information regarding such deposits according to the instructions that apply to such return and pay at that time (or deposit by the

due date of such return) the balance, if any, of the taxes due for such period.

* * * * *

PART 154—TEMPORARY REGULATIONS IN CONNECTION WITH THE AIRPORT AND AIRWAY REVENUE ACT OF 1970

§ 154.2-1 [Amended]

Par. 24. Paragraph (f)(3) of § 154.2–1, relating to tax on transportation of property by air, is amended by removing the words "authorized commercial bank" and inserting, in their place, the words "authorized financial institution".

PART 601—STATEMENT OF PROCEDURAL RULES

§ 601.401 [Amended]

Par. 25. Paragraph (a)(5) of § 601.401, relating to employment taxes, is amended by removing the words "*commercial banks and trust companies*" from the caption and inserting, in their place, the words "*financial institutions*" and by removing the words "commercial bank or trust company" wherever they appear and inserting, in their place, the words "financial institution". Subdivision (i) of subparagraph (5) of paragraph (a) of § 601.401 is removed. Subdivisions (ii), (iii), (iv), (v), (vi), and (vii) of subparagraph (5) of § 601.401(a) are redesignated as (i), (ii), (iii), iv), (v), and (vi), respectively. Subdivision (ii), as redesignated, of subparagraph (5) is amended by removing the phrase "or (ii)" and by removing the phrase "($100 prior to February 1, 1971)". Subdivision (iii), as redesignated, of subparagraph (5) of § 601.401(a) is amended by removing the phrase "(i), (ii), and (iii)" and by adding "(i) and (ii)" in lieu thereof, and by removing the phrase "($100 if return period ends prior to January 1, 1971)" in both places that it appears. Subdivision (iv), as redesignated, is amended by removing the phrase "(i), (ii), (iii), and (iv)" and by adding "(i), (ii), and (iii)" in lieu thereof, and by removing", Withheld Income and FICA Taxes form (Form 501, or Form 511 in the case of Agricultural Employer and by adding "form" in lieu thereof. Subdivision (v), as redesignated, of subparagraph (5) of § 601.401(a) is amended by removing "Form 507, Federal Tax Deposit, Railroad Retirement Taxes" and adding "a Federal Tax Deposit form" in lieu thereof. Subdivision (vi), as redesignated, of subparagraph (5) is amended by removing the last sentence thereof.

§ 601.402 [Amended]

Par. 26. Subparagraph (1) of paragraph (c) of § 601.402, relating to sales taxes collected by return, is amended by removing "Form 504, Federal Tax Deposit, Excise Taxes" and by adding "the Federal Tax Deposit form" in lieu thereof.

§ 601.403 [Amended]

Par. 27. Subparagraph (3) of paragraph (c) of § 601.403, relating to miscellaneous excise taxes collected by return, is amended by removing "Form 504, Federal Tax Deposit, Excise Taxes," and by adding "Federal Tax Deposit form," in lieu thereof.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code (68A Stat. 917; 26 U.S.C. 7805).

(Approved by the Office of Management and Budget under control number 1545–0257)

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: April 20, 1984.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 84–12373 Filed 5–8–84; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Part 601

Statement of Procedural Rules; Miscellaneous Amendments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of statement of procedural rules.

SUMMARY: This document contains miscellaneous amendments to the Statement of Procedural Rules (SPR). The SPR sets forth the procedural rules of the Internal Revenue Service for all taxes administered by the Service as well as certain rules that apply to the Bureau of Alcohol, Tobacco and Firearms. These amendments update the SPR and make certain changes in the Service's procedure.

EFFECTIVE DATE: The amendments are effective May 9, 1984.

FOR FURTHER INFORMATION CONTACT: Duane H. Pellervo of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T (202–566–3458, not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the SPR (26 CFR Part 601). The amendments are issued under the authority contained in 5 U.S.C. 301 and 552.

These amendments will be described in order of the sections of the SPR being amended.

Section 601.105(c)(2)(i): Field Examination

Procedures for reviewing unagreed field examination case files have been revised to eliminate, in some cases, mandatory technical review before the examination report and 30 day letter are sent to the taxpayer. In all cases, however, Centralized Services will perform a computational and procedural review before the report is sent to the taxpayer. The amendment conforms the SPR to this procedure.

Section 601.401(a)(3): Employment Taxes; Collection Methods

This amendment adds a cross-reference to Rev. Proc. 81–48, 1981–2 C.B. 623, which provides guidance in calculating an employee's wages when the employee tax under chapter 21 of the Code is paid by the employer without deducting that amount from the employee's pay. The revenue procedure reflects an amendment made by section 1141 of the Omnibus Reconciliation Act of 1980, under which employee FICA taxes paid by the employer without deduction from pay are included in wages unless the wages are paid for domestic service or agricultural labor. See I.R.C. §§ 3121(a)(6)(A) and 3306(b)(6)(A).

Section 601.502(b)(1)(iv) and Related Provisions: Recognition of Enrolled Actuaries To Practice

Several amendements have been made to conform the SPR to Treasury Department Circular No. 230, 31 CFR 10.3(d), which provides that enrolled actuaries may practice before the Internal Revenue Service if they meet certain requirements. Such practice is limited to matters relating to specifically enumerated statutory provisions. A new subdivision is added to § 601.502(b)(1), and conforming amendments are made to sections 601.502(b)(5), 601.503 (a) and (c), and 601.504 (d)(2) and (e).

Section 601.502(b)(4): Employees of Persons Recognized To Practice

This section is amended to remove the inference that employees of persons recognized to practice can only receive from the Internal Revenue Service "Information as to the status of tax cases." As amended, the section provides that "returns or return information" will be made available to

the employee if the employer specifically designates the employee to receive such material, regardless of whether such material relates "to the status of tax cases." Language is also added to emphasize that the power of attorney or tax information authorization, if appropriate, must provide the representative with sufficient authority to designate the employee. Under an amendment to § 601.504(a) contained herein, a completed Form 2848 or general power of attorney is sufficient for this purpose, even absent specific authorization. A tax information authorization, however, must specifically authorize such a delegation.

Section 601.502(c)(1): Requirement of Power of Attorney

Two amendments have been made to conform the SPR to Form 2848 and the Instructions for Form 2848. Section 601.502(c)(1)(ii), which provides that a respresentative cannot execute a waiver of restriction on assessment or collection of a deficiency in tax without a power of attorney, is broadened to include offers of waiver. In addition, the requirement that authorized acts be specified in the power of attorney is deleted with respect to most of the functions for which a power of attorney is required, provided that Form 2848 or a general power of attorney employing similar authorizing language is used. (Form 2848 authorizes the attorney-in-fact "to perform any and all acts the principal(s) can perform" respecting the specified tax matters.) Specific authority is still required, however, in order to receive refund checks and sign returns. If the taxpayer wishes to prohibit the representative from performing any acts, including those for which a power of attorney is required, language to that effect should be included in the power of attorney.

Section 601.502(c)(2)(ii): Requirement of a Tax Information Authorization

Section 601.502(c)(2)(ii) is clarified by providing that a tax information authorization is not required if the representative has already filed a power of attorney in the matter which is "sufficient to permit the performance of" one or more acts for which a power of attorney is required. Prior to amendment, the section referred to a power of attorney filed by the representative "in order to perform" such acts.

Section 601.504(a): Formal Requirements for Powers of Attorney and Tax Information Authorizations

Several clarifying and conforming amendments are made to this section. The requirement that tax matters to which the representative's authority extends must be specified is clarified by enumerating the specific information that must be included in the power of attorney or tax information authorization. In addition, the SPR is conformed to Form 2848 by providing that the power of attorney need not specify the acts the representative is authorized to perform. A completed Form 2848 or general power of attorney authorizing the representative to perform any and all acts the taxpayer can perform is sufficient, except that specific authority is still required in order to receive refund checks and sign returns. In accord with this amendment, the provision on substitution of representatives or delegation of authority to other representatives is revised to eliminate the requirement that such acts must be specifically authorized in the power of attorney. Such authority cannot be granted through a tax information authorization, however, unless specified therein. Since the provision stating that the power of attorney need not include the names of representatives who may be substituted (or to whom authority may be delegated) is unnecessary, it has been removed.

Section 601.506(a): Notices Given Recognized Representatives

This section is amended by deleting the rule that notices and communications containing confidential information cannot be given to the taxpayer's representative unless the power of attorney or tax information authorization specifically authorizes the representative to receive such notices and communications. New language is added to provide that notices will be sent to the representative first named on the power of attorney or tax information authorization if the taxpayer does not designate a representative to receive notices.

Section 601.702(f)(9): Prepayment of Fees

This amendment provides that the Revenue Service will require prepayment of search or duplication fees if previous fees have not been paid. In addition, payment of the previous fees may be required before new requests are honored. Generally, these rules apply if the person on behalf of whom a current request is made is the person on behalf of whom the prior request was made. With respect to both the current and prior requests, such person is deemed to be the person in whose names the request is (or was) made unless the request clearly indicates (or identified) another person as the principal.

Executive Order 12291; Paperwork Reduction Act of 1980

The Commissioner of Internal Revenue has determined that this rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. The reporting requirement contained in § 601.502(b)(1)(iv), as added by this document, has been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. The reporting requirement has been approved by OMB.

Drafting Information

The principal author of these amendments to the Statement of Procedural Rules is Duane H. Pellervo of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service participated in developing the amendments both on matters of substance and style.

List of Subjects in 26 CFR Part 601

Administrative practice and procedure, Aged, Alcohol and alcoholic beverages, Arms and munitions, Cigars and cigarettes, Claims, Freedom of information, Taxes.

Adoption of Amendments to Statement of Procedural Rules

Accordingly, 26 CFR Part 601 is amended as follows:

PART 601—[AMENDED]

§ 601.105 [Amended]

Paragraph 1. Section 601.105 is amended by removing the words "Review Staff" in paragraph (c)(2)(i) and by adding in their place the words "Centralized Services and, in some cases, Quality Review function".

Par. 2. Paragraph (a)(3) of § 601.401 is amended by adding a new sentence after the second sentence, to read as set forth below.

§ 601.401 Employment taxes.

(a) *General.* * * *

(3) * * * Rev. Proc. 81–48, 1981–2 C.B. 623, provides guidelines for determining wages when the employer pays the

employee tax imposed by chapter 21 without deducting the amount from the employee's pay. * * *

* * * * *

Par. 3. Section 601.502 is amended as follows:

1. Paragraph (b)(i) is revised by removing "and" from the end of paragraph (b)(1)(iii), by adding a new paragraph (b)(1)(iv) to read as set forth below, and by redesignating current paragraph (b)(1)(iv) as paragraph (b)(1)(v).

2. Paragraph (b)(1) is amended by adding, immediately before the sentence that follows the sentence redesignated by this document as paragraph (b)(1)(v), the following sentence: "The reporting requirement in § 601.502 (b)(1)(iv) has been assigned OMB Control Number 1545–0150."

3. Paragraph (b)(4) is amended by removing from the first sentence the words "information as to the status of tax cases" and by adding in their place the words "returns or return information (as defined in section 6103(b) (1) and (2))".

4. Paragraph (b)(4) is amended by removing from the second sentence the words "information as to the status of tax cases" and by adding in their place the words "such information".

5. Paragraph (b)(4) is amended by adding a new sentence to the end thereof, to read as set forth below.

6. Paragraph (b)(5) is amended by removing the words "or enrolled agent" in the first sentence and by adding in their place the words "enrolled agent, or enrolled actuary".

7. Paragraph (c)(i)(ii) is revised to read as set forth below.

8. Paragraph (c)(1) is amended by removing the sentence immediately following the sentence designated as paragraph (c)(1)(iv), and by adding in place of such sentence three new sentences, to read as set forth below.

9. Paragraph (c)(2)(ii) is amended by removing the words "in order to perform" and by adding in their place the words "which is sufficient to permit the performance of", and by adding a comma after the word "paragraph".

§ 601.502 Requirements for conference—recognition to practice and, in certain cases, power of attorney or tax information authorization.

* * * * *

(b) *Requirements to be met by taxpayer's representative in order to be recognized*—(1) * * *

(iv) Subject to the limitations on authority to practice in § 103.3(d)(1) of Circular No. 230, any individual who is enrolled as an actuary by the Joint Board for the Enrollment of Actuaries pursuant to 29 U.S.C. 1242, and who is not currently under suspension or disbarment from practice before the Revenue Service, and who files with the Revenue Service a written declaration that he or she is so currently qualified and is authorized to represent the particular party on whose behalf he or she acts; and

* * * * *

(4) * * * The power of attorney or tax information authorization must provide the representative with sufficient authority to designate such employee.

* * * * *

(c) *Requirement of a power of attorney or a tax information authorization*—(1) * * *

(ii) Execution of a waiver or offer of a waiver of restriction on assessment or collection a deficiency in tax, or a waiver of notice of disallowance of a claim for credit or refund.

* * * * *

(iv) * * *

Form 2848 or a general power of attorney given to a representative by a taxpayer, granting to the representative power to perform any and all acts that the taxpayer can perform, will meet the requirements for a power of attorney with respect to the acts specified in subdivisions (ii), (iii), and (iv) of this paragraph (c)(1). The right to receive refund checks and sign returns, however, must be specifically granted in Form 2848 or a general power of attorney. If the taxpayer wishes to exclude granting authority to perform any specific acts (including acts for which a power of attorney is required by this paragraph (c)), language excluding such acts should be inserted in the power of attorney. * * *

* * * * *

§ 601.503 [Amended]

Par. 4. Section 601.503 is amended as follows:

1. The third sentence of paragraph (a) is amended by removing the words "or an enrolled agent" and by adding in their place the words "an enrolled agent, or an enrolled actuary," and by removing the words "paragraph (b)(1) (i) and (ii), and (iii)" and by adding in their place the words "paragraph (b)(1) (i), (ii), (iii), and (iv)".

2. Paragraph (c) is amended by removing the words "or enrolled agent" and by adding in their place the words "enrolled agent, or enrolled actuary" and by removing the words "or (iii)" and by adding in their place the words "(iii), or (iv)".

Par. 5. Section 601.504 is amended as follows:

1. So much of paragraph (a) as precedes the sixth sentence is revised to read as set forth below.

2. Paragraph (d)(2) is amended by removing the words "or (iii)" and by adding in their place the words "(iii), or (iv)".

3. Paragraph (e) is amended by removing the words "or (iii)" and by adding in their place the words "(iii), or (iv)".

§ 601.504 Requirement for execution, attestation, acknowledgement or witnessing, and certification of copies of power of attorney and tax information authorization.

(a) *Formal requirements.* The use of technical language in the preparation of a power of attorney or a tax information authorization is not necessary, but the instrument should clearly express the taxpayer's intention as to the scope of the authority of the representative, and must show the type of tax involved, the federal tax form number, and the year(s) or period(s) involved. If the power of attorney or tax information authorization is being used for an estate tax matter, it must also show the date of death of the decedent. A power of attorney or tax information authorization thus may relate to more than one matter as, for example, a tax information authorization which relates to a taxpayer's income taxes for several different taxable years. If the taxpayer wishes to authorize the taxpayer's representative to perform one or more of the acts set forth in paragraph (c)(1) of § 601.502 for which a power of attorney is required by the Revenue Service, the power of attorney must clearly specify which act or acts the representative is authorized to perform. In the alternative, a Form 2848 or general power of attorney authorizing the representative to perform any and all acts the taxpayer can perform with respect to the specified tax matters may be used. If this alternative is chosen, care should be taken to specifically exclude granting authority to perform any acts otherwise authorized by the power of attorney which the taxpayer does not wish to authorize. This alternative does not permit the representative to receive refund checks or sign returns unless such acts are specified in the Form 2848 or general power of attorney. This alternative does permit the taxpayer's representative, without a specific grant of authority, to make substitution of representatives or delegate authority to other representative. (A tax information authorization, Form 2848–D, does not

convey authority to make such substitution or delegation absent a specific grant of authority therein.) Such substitution or delegation, when it occurs, must be evidenced by a statement signed by the representative named in the power of attorney (or tax information authorization which specifically authorizes such substitution or delegation). * * *

* * * * *

Par. 6. Paragraph (a) of § 601.506 is amended as follows:

1. Paragraph (a) is amended by removing from the second sentence the words "and, except with respect to a ruling, which specifically authorizes the representative to receive such notices and communications".

2. Paragraph (a) is amended by removing the seventh and eighth sentences and by adding a new sentence in place of those sentences, to read as set forth below.

§ 601.506 Notice to be given to recognized representatives; delivery of refund checks to recognized representatives.

(a) * * * In a case in which the taxpayer does not designate which representative is to receive notices, it will be the practice of the Revenue Service to give notices to the representative first named on the instrument which reflects the latest date. * * *

* * * * *

Par. 7. Section 601.702 is amended by adding a new paragraph (f)(9), to read as set forth below.

§ 601.702 Publications and public inspection.

* * * * *

(f) *Fees of services.* * * *

(9) *Prepayment of fees.* If previous search or duplication fees have not been paid by a person making a request for records, the Service will require an advance payment of fees before processing the request. In addition, payment of all outstanding fees may be required before current requests are honored. The "person making a request" for purposes of this paragraph (f)(9) is the person in whose name a request is made, except that if such person is making the request on behalf of another person whose identity is apparent on the face of the request (including attached documents), such other person is considered the "person making a request." The person who made the prior request with respect to which fees are outstanding is identified in the same manner.

* * * * *

These amendments to the Statement of Procedural Rules are issued under the authority contained in 5 U.S.C. 301 and 552.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 84-12511 Filed 5-8-84; 8:45 am]

BILLING CODE 4810-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

North Cascades National Park, Washington; Lake Chelan National Recreation Area, Washington; Ross Lake National Recreation Area, Washington; Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: On December 23, 1982, the National Park Service, Department of the Interior, published in the **Federal Register** (47 FR 57300) a proposed rule to designate locations within North Cascades National Park, Lake Chelan National Recreation Area, and Ross Lake National Recreation Area where snowmobiles may be used for recreational and personal purposes during the winter season. This proposal was made available for public review and comments for a period of thirty (30) days following publication in the **Federal Register**, and ending on January 24, 1983. Comments received consideration during preparation of the final rule. As a result of this rulemaking process, a final regulation is published to provide for the preservation and enjoyment of the North Cascades National Park, Lake Chelan National Recreation Area and Ross Lake National Recreation Area in a way that is consistent with both the snowmobile policy of the National Park Service and the off-road vehicle policy of the Department of the Interior.

EFFECTIVE DATE: June 8, 1984.

FOR FURTHER INFORMATION CONTACT: Keith E. Miller, Superintendent, North Cascades National Park, Telephone: 206-855-1331.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 11644 (Use of Off-Road Vehicles on the Public Lands) issued in 1972, directed Federal land managing agencies to develop unified regulations and to designate areas of use for off-road vehicles. Such areas must meet criteria which minimize resource damage, harassment of wildlife, disruption of wildlife habitat, and, in the case of national parks, not adversely affect scenic, natural and aesthetic values.

In response to Executive Order 11644, the Secretary of the Interior issued a Departmental memorandum on May 5, 1972, to assure full compliance with the Order and to provide policies and procedures for its implementation. The National Park Service, as required by the above directive, promulgated 36 CFR 2.34 on April 1, 1974, which closed all National Park System areas to snowmobile use except those specifically designated as open by **Federal Register** notice or special regulation.

In order to comply with the requirements of Executive Order 11644 and 36 CFR 2.34, the National Park Service developed a Servicewide policy revision which was published in the **Federal Register** on August 13, 1979 (44 FR 47412). This policy provides for the use of snowmobiles in units of the National Park System as a mode of transportation to provide the opportunity for visitors to see, sense, and enjoy the special qualities of the park in the winter. Snowmobiling must be consistent with a park's natural, cultural, scenic and aesthetic values; safety considerations; park management objectives and protection of wildlife and other park resources.

The policy further provides that, where permitted, snowmobiles shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons. Routes and water surfaces to be designated for snowmobile use shall be promulgated as special regulations in the Code of Federal Regulations. This regulation is necessary to comply with Servicewide policy. Its promulgation also is a liberalization of the present *no* snowmobiling activity and allows additional recreational opportunities in open areas or along trails or motor road surfaces as designated for snowmobile use.

The designated routes for snowmobiles within the North Cascades National Park will be the Cascade River Road between the park boundary and the Cascade Pass Trailhead parking area and the Stehekin Valley Road between the park boundary and Cottonwood Camp.

Routes within Ross Lake National Recreation Area include State Highway 20, the Hozomeen road, including access and circulatory roads, from the international boundary to the East Landing, Thornton Lake Road from Highway 20 to Thornton Lake Trailhead parking area, Damnation Creek Road

from its junction with the Thornton Lake Road to the North Cascades National Park Boundary, Newhalem Creek Road from State Highway 20 to its junction with the down-river road on the south side of the Skagit River, and the down-river road on the south side of the Skagit River from its junction with the Newhalem Creek Road to the end of the road across the Skagit River from the mouth of Sky Creek.

Routes within Lake Chelan National Recreation Area include that portion of the Stehekin Valley Road normally open to motor vehicles from the park boundary to the 1320-foot contour line within the Stehekin Valley, and all open areas, designated trails and roadways on public land in the Valley below the 1320-foot contour line, except cross-country ski trails and within the perimeter of the Buckner Orchard. Snowmobile use on open lands and designated trails within the Stehekin Valley below the 1320-foot contour line will be limited to year-round, permanent residents. The Stehekin Valley Road, and other major roadways will be open to recreational and residential users alike.

Snowmobile use on the open lands and trails of the Stehekin Valley constitues a significant exception to the National Park Service's snowmobile policy. This exception has been determined to be warranted in consideration of the following: (1) The Stehekin Valley is occupied by approximately 25 families with a winter population of 75–85 people; (2) There are 510 acres of private property within this area with households scattered throughout; (3) Winter snow depths average eight to ten feet in the upper portions of the Valley; (4) Snow plowing is limited to the main road, precluding the use of automobiles and trucks in most of the Valley; (5) Moving groceries or other heavy necessities would be severely limited without the use of snowmobiles; (6) Restrictions on crossing open public land would greatly increase travel times and distances for many residents; and (7) No significant environmental impact is anticipated. Snowmobile use as authorized under this exception to policy is strictly limited to year-round, permanent residents of the Stehekin Valley. Those persons residing in the Stehekin Valley on an occasional, temporary or transient basis are not authorized to operate snowmobiles for recreational purposes or otherwise, under this policy exception.

Public Participation

This final rule differs little from the proposed rule published December 23, 1982 in the **Federal Register** (47 FR 57300). Clarification of the intent to limit snowmobile use on open lands in the Stehekin Valley to permanent year-round residents has been added. Public comment was received in the form of written letters expressing approval of the proposed rule. All public input favored the proposed regulation.

Drafting Information

The following persons participated in the writing of this regulation: John Jensen, District Manager; Noel Poe, District Ranger; Daniel L. Allen, Resource Management Specialist; Alan D. Eliason, Management Assistant.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291, and certifies that this document would not have a"significant economic effect on a substantial number of small entities", under the Regulatory Flexibility Act 5 U.S.C. 601 *et seq.*). This finding is based on the small number of area snowmobile dealers and support services. There are no dealers in Skagit County, only five in Chelan County and none in close proximity to the areas.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332) the Service has prepared an Environmental Assessment and a Finding of No Significant Impact on this regulation which are available at the address noted above.

List of Subjects in 36 CFR Part 7

National parks.

Authority: Sec. 3 of the Act of August 26, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3).

In consideration of the foregoing, 36 CFR, Chapter 1 Part 7 is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. By adding a new § 7.62(a) to read as follows:

§ 7.62 Lake Chelan National Recreation Area.

(a) *Snowmobiles.* After consideration of existing special situations, i.e., depth of snow, and depending on local weather conditions, the superintendent may designate as open to the use of snowmobiles the following locations within the Lake Chelan National Recreation Area:

(1) All open areas, designated trails and roadways on public land below the 1320-foot contour line within the Stehekin Valley, except cross-country ski trails and within the perimeter of the Buckner Orchard. Snowmobile use on open public lands or designated trails will be limited to permanent, year-round residents of the Stehekin Valley.

(2) That portion of the Stehekin Valley Road normally open to use by motor vehicles from the 1320-foot contour line to the park boundary.

* * * * *

2. By adding a new paragraph (b) to § 7.66 to read as follows:

§ 7.66 North Cascades National Park.

* * * * *

(b) *Snowmobiles.* After consideration of existing special situations, i.e., depth of snow, and depending on local weather conditions, the superintendent may designate as open to the use of snowmobiles the following locations within the National Park:

(1) The Cascade River Road between the park boundary and the Cascade Pass Trailhead parking area.

(2) The Stehekin Valley Road between the park boundary and Cottonwood Camp.

3. By adding a new § 7.69(a) to read as follows:

§ 7.69 Ross Lake National Recreation Area.

(a) *Snowmobiles.* After consideration of existing special situations, i.e., depth of snow, and depending on local weather conditions, and subject to any and all restrictions or prohibitions further imposed by the State of Washington on Highway 20, the superintendent may designate as open to the use of snowmobiles the following locations within the Ross Lake National Recreation Area:

(1) State Highway 20, that portion normally closed to motor vehicles during the winter season.

(2) The Hozomeen entrance road from the U.S./Canadian border to the end of the road at East Landing.

(3) Access and circulatory roads in the Hozomeen developed area normally open to public motor vehicle use.

(4) The Thornton Lake Road from State Highway 20 to Thornton Lake Trailhead parking area.

(5) The Damnation Creek Road from its junction with the Thornton Lake Road to the North Cascades National Park boundary.

(6) The Newhalem Creek Road from State Highway 20 to its junction with the

down-river road on the south side of the Skagit River.

(7) The down-river road on the south side of the Skagit River from its junction with the Newhalem Creek Road to the end of the road across the Skagit River from the mouth of Sky Creek.

* * * * *

Dated: April 9, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc 84-12471 Filed 5-8-84; 8:45 am]

BILLING CODE 4310-70-M

VETERANS ADMINISTRATION

38 CFR Part 3

Monetary Allowance In Lieu of Headstone or Marker

AGENCY: Veterans Administration.

ACTION: Final regulation admendment.

SUMMARY: The Veterans Administration has amended its regulations to increase from $67 to $68 the monetary allowance payable in lieu of a Government-furnished headstone or marker and to allow claimants to file applications for this benefit within 2 years of the date on which a previously unacceptable discharge was upgraded. These changes were necessary to reflect the increase in the average actual cost of a Government-furnished headstone or marker and to provide time limits for filing a claim which are consistent with those for the burial allowance.

EFFECTIVE DATE: These amendments are effective October 1, 1983.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Compensation and Pension Regulations Staff Chief (211B), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC, 20420, (202) 389-3005.

SUPPLEMENTARY INFORMATION: On pages 57317 and 57318 of the Federal Register of December 29, 1983, the VA published proposed amendments to Title 38, CRF 3.1612. Interested persons were given 30 days to submit comments, suggestions, or objections to the proposed amendments. Since no comments, suggestions or objections were received, the amendments are adopted as proposed.

The Administrator hereby certifies that these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that these regulatory amendments are nonmajor as they will not: (1) Have an effect on the economy of $100 million or more; (2) Cause a major increase in costs or prices; or (3) Have a 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.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health Care, Pensions, Veterans.

(Catalog of Federal Domestic Assistance program number is 64.101)

Approved: April 24, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—[AMENDED]

38 CFR Part 3, Adjudication, is amended by revising § 3.1612 (e)(ii) and (g) to read as follows:

§3.1612 Monetary allowance in lieu of a Government-furnished headstone or marker.

* * * * *

(e) *Payment and amount of the allowance.*

* * * * *

(2) The amount of the allowance payable is the lesser of the following:

* * * * *

(ii) The average actual cost, as determined by the VA, of headstones and markers furnished at Government expense for the fiscal year preceding the fiscal year in which the non-Government headstone or marker was purchased or the services for adding the veteran's identifying information on an existing headstone or marker were purchased. The average actual costs of headstones and markers furnished at Government expense for fiscal year 1982 (October 1, 1981 through September 30, 1982) is $67 and for fiscal year 1983 (October 1, 1982 through September 30, 1983) is $68 (38 U.S.C. 906(d)).

* * * * *

(g) *Claims.* A claim for payment under this section must be received by the VA within 2 years after the permanent burial or cremation of the deceased, or the date of purchase of the non-Government headstone or marker or the services for adding the veteran's identifying information on an existing headstone or marker, whichever date is later. In cases where the character of a veterans's discharge previously barred payment under this section, but where that discharge has been posthumously corrected by competent authority to reflect a discharge under conditions other than dishonorable, a claim may be filed within 2 years from the date of correction of the discharge (38 U.S.C. 906(d)).

[FR Doc. 84-12620 Filed 5-8-84; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300086A; PH-FRL 2582-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Alpha-Alkyl (C_9-C_{18})-Omega-Hydroxypoly (Oxyethylene)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule expands the exemption from the requirement of a tolerance for alpha-alkyl (C_9-C_{18})-omega hydroxypoly (oxyethylene) when used as a surfactant in pesticide formulations. This proposed regulation was requested by BASF Wyandotte Corp.

EFFECTIVE DATE: Effective on May 9, 1984.

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

FOR FURTHER INFORMATION CONTACT:

By mail: N. Bhushan Mandava, Registration Support and Emergency Response Branch, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Registration Support and Emergency Response Branch, Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7700).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the Federal Register of February 29, 1984 (48 FR 7411), which announced that BASF Wyandotte Corp., Wyandotte, MI 48192, had requested that 40 CFR 180.1001(c) be

amended by expanding the existing exemption from the requirement of a tolerance for alpha-alkyl (C_9–C_{18})-omega-hydroxypoly(oxyethylene) as a surfactant in pesticide formulations by increasing the poly(oxyethylene) content from 2–20 moles to 2–30 moles.

Inert ingredients are ingredients that are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption from the requirement of a tolerance will protect the public health and is 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 regulations 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.

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

List of Subjects in 40 CFR Part 180

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

Dated: April 24, 1984.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1001(c) is amended by revising the listing for *Alpha*-alkyl (C_9–C_{18})*omega*-hydroxypoly (oxyethylene), to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * * *		
Alpha-alkyl (C_9–C_{18}-*omega*-hydroxypoly(oxyethylene) with poly(oxyethylene) content of 2-30 moles.	.....	Solvent, cosolvent, surfactant, and related adjuvants of surfactants
* * * * *		

* * * * *

[FR Doc. 84-12209 Filed 5-8-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 3F2887/R652A; PH-FRL 2578-8]

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; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This rule corrects a document published March 24, 1984 (49 FR 10547) by restoring previously established tolerances for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone in or on almonds and almond hulls.

EFFECTIVE DATE: Effective on March 21, 1984.

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. 229, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1900)

SUPPLEMENTARY INFORMATION: In the FR Doc. 84-7431 of March 21, 1984 (49 FR 10547), EPA issued a final rule that revised 40 CFR 180.410 by including in the tolerance expression for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone only the metabolites containing the chlorophenoxy and triazole moieties (expressed as the fungicide) for all plant and animal derived commodities. In the revision process, the tolerances for almonds at 0.05 part per million (ppm) and almond hulls at 0.10 ppm established on January 4, 1984 (49 FR 389) were inadvertently omitted and are hereby restored at said tolerance levels.

List of Subjects in 40 CFR Part 180

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

Dated: April 20, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.410 is corrected by adding, and alphabetically inserting, the commodities almonds and almond hulls, to read as follows:

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

* * * * *

Commodities	Parts per million
* * * * *	
Almonds	0.05
Almond, hulls	0.10
* * * * *	

[FR Doc. 84-12206 Filed 5-8-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6531

[C-12610]

Colorado; Withdrawal for Addition to Arapaho National Wildlife Refuge

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order closes 3,072.54 acres of public land to surface entry and mining for 40 years, and reserves them as a part of the Arapaho National Wildlife Refuge.

EFFECTIVE DATE: May 9, 1984.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-837-2592.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale,

location or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, and reserved for use by the U.S. Fish and Wildlife Service as an addition to the Arapaho National Wildlife Refuge:

Sixth Principal Meridian

T. 7 N., R. 79 W.,
Sec. 4, SW¼SW¼, that portion lying southwest of a diagonal line from the northwest corner to the southeast corner;
Sec. 6, lot 1, SE¼NE¼, and E½ SE¼;
Sec. 7, E½ and E½W½;
Sec. 9, SE¼NW¼;
Sec. 14, SW¼SW¼, that portion laying southwest of a diagonal line from the northwest corner to the southeast corner;
Sec. 15, SW¼NE¼, that portion lying southwest of a diagonal line from the northwest corner to the southeast corner;
Sec. 17, SW¼NW¼, and NE¼SW¼.
T. 8 N., R. 79 W.,
Sec. 3, SW¼SW¼;
Sec. 4, SW¼NE¼, and N½SE¼;
Sec. 5, lot 4;
Sec. 6, lot 7, that portion lying southeasterly of a diagonal line from the northeast corner to the southwest corner, the exact boundary being the existing fence marking the Arapaho National Wildlife Refuge;
Sec. 7, SW¼NE¼, SE¼NW¼, SE¼SW¼, NE¼SE¼ and S½SE¼;
Sec. 8, E½NW¼;
Sec. 18, NE¼, E½NW¼, NE¼SW¼, N½ SE¼, and SE¼SE¼;
Sec. 19, lots 2, 3, NE¼NE¼, S½NE¼, SE¼ NW¼, NE¼SW¼ and N½SE¼;
Sec. 20, NE¼NE¼, W½NE¼, and NW¼;
Sec. 21, NW¼SE¼, that portion northwesterly of a diagonal line connecting the northeast corner and the southwest corner, the exact boundary being the existing fence marking the Arapaho National Wildlife Refuge;
Sec. 30, That part of the E½E½ east of the east right-of-way boundary of State Highway 125;
Sec. 31, That part of the E½NE¼ east of the east right-of-way boundary of State Highway 125, and E½SE¼;
Sec. 33, W½NW¼, and NW¼SW¼;
T. 9 N., R. 79 W.,
Sec. 32, W½E½ and that portion of E½ SW¼ east of the east right-of-way boundary of State Highway 125;
Sec. 33, SW¼SW¼;
T. 8 N., R. 80 W.,
Sec. 11, SW¼NE¼, that portion lying southeast of a diagonal line from the northeast corner to the southwest corner, the exact boundary being the existing fence marking the Arapaho National Wildlife Refuge;
Sec. 11, N½SW¼ and SW¼SW¼, those portions lying southeast of a diagonal line connecting the northeast corner of the NE¼SW¼ and the southwest corner of the SW¼SW¼, the exact boundary being the existing fence marking the Arapaho National Wildlife Refuge.
Sec. 15, NE¼NE¼, and SE¼NW¼.

The areas described aggregate 3,072.54 acres in Jackson County.

2. This withdrawal shall remain in effect for a period of 40 years, pursuant to 43 U.S.C. 668dd unless, as a result of a review conducted before the expiration date, pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Inquiries concerning these lands should be directed to the State Director, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 1, 1984.

[FR Doc. 84-12464 Filed 5-8-84; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6532

[Nev-058307]

Nevada; Transfer of Jurisdiction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order transfers administrative jurisdiction of an administrative site and engineering laboratory from Bureau of Mines to Bureau of Reclamation. The land will remain closed to surface entry and mining, but not mineral leasing.

EFFECTIVE DATE: June 6, 1984.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-784-5703.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Sections 103(j) and 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2746, 2751; 43 U.S.C. 1702, 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described land which was reserved by Public Land Order 3035 of April 15, 1963, for use of the Bureau of Mines is hereby transferred to the Bureau of Reclamation and reserved for use of that agency:

Mount Diablo Meridian, Nevada

"Plot A"

A portion of the NE¼NE¼ of section 8, township 23 South, Range 64 East, MDM, located in the County of Clark, City of Boulder City, and further described as follows:

Beginning at the most southwesterly corner of Plot A, said point being S58°49'59" E and a distance of 2012.27 feet from the north ¼ corner of said section 8; thence N28°55'48" W a distance of 13.994 feet to a point; thence N58°41'13" E a distance of 664.55 feet to a point; thence N47°50'07" E a distance of 269.89 feet to a point on the west property line on Date Street; thence S04°13'02" E a distance of 215.00 feet to the P.O.C. on the west property line of Date Street; thence continuing southerly on a curve to the right with a radius of 165.25, an arc length of 95.18 feet an a central angle of 33°00'00" to a point of reverse curve, said point is also on the west property line of Date Street; thence continuing southerly on a curve on the west property line with a radius of 225.25 feet, an arc length of 46.36 feet and a central angle of 11°32'17" to the southeasterly property corner on Date Street; thence S78°17'12" W a distance of 169.00 feet to a point; thence S69°21'14" W a distance of 312.35 feet to a point; thence S80°34'08" W a distance of 285.36 feet to the point of beginning.

"Plot B"

A portion of the NE¼NE¼ of section 8 and a portion of the SE¼SE¼ of section 5, Township 23 South, Range 64 East, MDM, located in County of Clark, City of Boulder City, and further described as follows:

Beginning at a point that is S58°49'59" E a distance of 2012.27 feet from the north ¼ corner of said section 8; thence N28°55'48" W a distance of 68.26 feet to the southwest corner of Plot B, being the true point of beginning; thence N0°57'32" E a distance of 1403.82 feet to the P.O.C. on the east property line of the truck route; thence continuing northerly on a curve to the right having a radius of 1949.00 feet, an arc length of 268.15 feet and a central angle of 7°55'11" to the north property line of Colorado Street; thence N78°34'26" W a distance of 155.28 feet to a point; thence N26°01'48" W a distance of 170.00 feet to a point; thence S14°07'28" E a distance of 863.57 feet to a point; thence S37°53'59"E a distance of 296.25 feet to the southeast property corner; thence S58°01'14" W a distance of 785.15 feet to the true point of beginning.

"Plot C"

A portion of the NE¼NE¼ of section 8, Township 23 South, Range 64 East, MDM, located in the County of Clark, City of Boulder City, and further described as follows:

Beginning at the angle point on the easterly right-of-way line on Date Street, Date Street having a 60' right-of-way, said point being the point of beginning; thence S04°13'02" E along said right-of-way line a distance of 195.36 feet to the southwest ¼ corner of the remainder of Plot C; thence N85°46'58"E a distance of 97.57 feet, said point being on a curve concave to the west, having a radius of 894.72 feet, a central angle of 6°22'51" with radial bearings of N79°24'07"E and S85°46'58"W; thence continuing northerly along the curve, an arc distance of 99.64 feet to the point of tangency; thence N04°13'02"W a distance of 227.58 feet to the southeasterly right-of-way line on Date Street; thence S30°44'13"W along said right-of-way a distance of 160.63 feet to the point of beginning.

"Plot D"

A portion of the NE¼NE¼ of section 8, Township 23 South, Range 64 East, MDM, located in the County of Clark, City of

Boulder City, and further described as follows:

Beginning at a point that is S58°49'59"E and a distance of 2012.27 feet from the north ¼ corner of said section 8; thence N28°55'48"W a distance of 68.26 feet; thence N58°01'14"E a distance of 785.15 feet to the true point of beginning; thence S37°53'59"E a distance of 39.41 feet to the southwest property corner; thence N47°50'07"E a distance of 106.34 feet to the southeasterly property corner; thence N50°38'48"W a distance of 73.95 feet to the northeast property corner; thence S42°24'05"E a distance of 91.03 feet to the northwest property corner; thence S37°53'59"E a distance of 25.29 feet to the true point of beginning.

"Plot E"

A portion of the NE¼NE¼ of section 8, Township 23 South, Range 64 East, MDM, located in the County of Clark, City of Boulder City, and further described as follows:

Beginning at a point that is S58°49'59"E and a distance of 2012.27 feet from the north ¼ corner of said section 8; thence N28°55'48"W a distance of 13.94 feet to the true point of beginning; thence N58°41'13"E a distance of 664.55 to a point; thence N47°50'07"E a distance of 130.05 feet to the southeasterly property corner; thence N37°53'59"W a distance of 39.41 feet to the northeast property corner; thence S58°01'14"W a distance of 785.15 feet to the northwesterly property corner; thence S28°55'48"E a distance of 54.32 feet to the true point of beginning.

The area described aggregates approximately 17.481 acres within the city limits of Boulder City, Clark County, Nevada.

2. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date, pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

3. The land will be utilized for office space, warehouse storage and other purposes related to the operation of the Bureau of Reclamation's Lower Colorado Regional Office.

4. The land has been and remains open to offers and applications under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 1, 1984.

[FR Doc. 84-12463 Filed 5-8-84; 8:45 am]

BILLING CODE 4310-84-M

LEGAL SERVICES CORPORATION

45 CFR Part 1609

Fee-Generating Cases

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This final rule makes a number of changes in Part 1609 as it was previously published. Specifically, it requires that an actual, specific effort be made to refer each fee-generating case; that any fees collected by a program be recorded in the same fund to which the related expenses have been charged and the same accounting period in which the fees are actually received; and that fee-sharing with private counsel follow the standards set forth in Section 1609.5. The revisions in this Part have been made to ensure that inappropriate cases are not accepted, and that fees received are properly accounted for.

EFFECTIVE DATE: June 8, 1984.

FOR FURTHER INFORMATION CONTACT: Richard N. Bagenstos, Assistant General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation published a proposed rule revising Part 1609 of its regulations governing the proper handling of fee-generating cases on January 9, 1984 (49 FR 1087). Interested parties were given 30 days, until February 8, 1984, to submit comments on the revisions proposed. Thirty-two (32) comments were received and given full consideration. Of those comments, all referred to §1609.4(a)(3), § 1609.5, or § 1609.8.

Section 1609.4(a)(3). The proposed rule deleted then-current Section 1609.4(a)(3), which permitted a program to accept a fee-generating case if "the case is the type that private attorneys in the area ordinarily do not accept, or do not accept without prepayment of a fee."

Thirty of the comments opposed deletion of this section, arguing essentially that attempted referral should not be required when a program knows from past experience that it would be futile because the case is of a type which the private bar will not accept. The Corporation views the attempt as essential, however, in the cultivation of a positive relationship with the private bar.

Section 1609.6—Accounting for Attorney's Fees. This new section requires that the revenue from any fees awarded a program shall be recorded in the same fund to which the related expenses have been charged, and shall be recorded during the accounting period in which the money from the fee award is received by the recipient. A total of twelve comments were received concerning this section. Some opposed the requirement of recording revenues in the same fund to which the related expenses were charged on the grounds that the requirement posed practical difficulties where there were several sources of such funds. The Corporation is of the opinion that the gains in accountability far overshadow any difficulties involved.

The final language in this section, however, is changed in two ways in response to comments. The word "should" is deleted twice in the section and replaced with the word "shall" to clarify that the accounting requirement is mandatory.

The second change clarifies that attorneys fees received by a program are not to be recorded until the money therefrom is actually received, emphasizing that the cash basis of accounting is the applicable standard.

Section 1609.8—Applicability. This section refined the provisions on fee-sharing with private counsel to set a specific standard by clarifying that the standard governing fee-generating cases is applicable to fee-sharing as well. The previous language only designated "when appropriate" as a standard. Some comments expressed concern that the new language would limit the types of situations in which a recipient could consider co-counseling, or in which private bar members would be willing to accept complex fee cases involving indigent clients. However, the new language merely makes explicit when it is appropriate to act as co-counsel, by applying a specific reference in place of the general language.

List of Subjects in 45 CFR Part 1609

Legal services.

For the reasons set out in the preamble, 45 CFR Part 1609 is revised to read as follows:

PART 1609—FEE-GENERATING CASES

Sec.

1609.1 Purpose.
1609.2 Definition.
1609.3 Prohibition.
1609.4 Authorized Representation in a Fee-Generating Case.
1609.5 Acceptance of Fees.
1609.6 Accounting for Attorneys' Fees.
1609.7 Acceptance of Reimbursement.
1609.8 Applicability.

Authority: Sec. 1007(b)(1) Legal Services Act of 1974, as amended (42 U.S.C 2996f(b)(1)).

§ 1609.1 Purpose.

This part is designed to insure that recipients do not compete with private attorneys and, at the same time, to guarantee that eligible clients are able to obtain appropriate and effective legal assistance.

§ 1609.2 Definition.

"Fee-generating case" means any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client, from public funds, or from the opposing party.

§ 1609.3 Prohibition.

No recipient shall use funds received from the Corporation to provide legal assistance in a fee-generating case unless other adequate representation is unavailable. All recipients shall establish procedures for the referral of fee-generating cases.

§ 1609.4 Authorized representation in a fee-generating case.

Other adequate representation is deemed to be unavailable when:

(a) The recipient has determined that free referral is not possible because:

(1) The case has been rejected by the local lawyer referral service, or by two private attorneys; or

(2) Neither the referral service nor any lawyer will consider the case without payment of a consultation fee; or

(3) Emergency circumstances compel immediate action before referral can be made, but the client is advised that if appropriate, and consistent with professional responsibility, referral will be attempted at a later time; or

(b) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other non-pecuniary relief, or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims; or

(c) A court appoints a recipient or an employee of a recipient pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction; or

(d) An eligible client is seeking benefits under subchapter II of the Social Security Act, 42 U.S.C. 401, *et seq.*, as amended, Federal Old Age, Survivors, and Disability Insurance Benefits; or subchapter XVI of the Social Security Act, 42 U.S.C. 1381, *et seq.*, as amended, Supplemental Security Income for Aged, Blind, and Disabled.

§ 1609.5 Acceptance of fees.

A recipient may seek and accept a fee awarded or approved by a court or administrative body, or included in a settlement, if:

(a) The requirements of 1609.4 are met, and

(b) Funds received are not used for purposes prohibited by the Act, these regulations, or other law applicable to the expenditure of funds appropriated in the year the fee is received, and are accounted for in the manner directed by the Corporation.

§ 1609.6 Accounting for attorneys' fees.

Fees awarded to a recipient represent compensation to the recipient for resources expended in litigating a particular matter. The revenue from such fees shall be recorded in the same fund to which the related expenses have been charged. The revenue shall be recorded during the accounting period in which the money from the fee award is received by the recipient.

§ 1609.7 Acceptance of reimbursement.

When a case or matter subject to this part results in a recovery of damages, other than statutory benefits, a recipient may accept reimbursement from the client for out-of-pocket costs and expenses incurred in connection with the case or matter, if

(a) The requirements of § 1609.4 are met, and

(b) The client has agreed in writing to reimburse the recipient for such costs and expenses.

§ 1609.8 Applicability

Nothing in this part shall prevent a recipient from:

(a) Requiring a client to pay court fees when the client does not qualify to proceed in forma pauperis under the rules of the jurisdiction; or

(b) Accepting a fee in a case that was initiated prior to adoption of this part;

(c) Acting as co-counsel with a private attorney when the case meets the standards set forth in § 1609.5, and accepting part of any fees that may result from a shared case.

Dated: May 3, 1984.

Alan R. Swendiman,

General Counsel.

[FR Doc. 84-12479 Filed 5-8-84; 8:45 am]

BILLING CODE 6820-35-M

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45 CFR Part 1620

Priorities in Allocation of Resources

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This final rule mandates the inclusion of the private bar in the priority-setting process, sets specific periodic time deadlines for completion of the priority setting process, requires that programs plan systematically for equal access to services, and requires that a case acceptance schedule be set up to implement the priorities adopted. These changes and additions are necessary to increase the range of participation in the priority setting process, to make it more effective, and to assure more equal access to services by eligible clients.

EFFECTIVE DATE: June 8, 1984.

FOR FURTHER INFORMATION CONTACT: Richard N. Bagenstos, Assistant General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation published a proposed rule revising Part 1620 of its regulations governing the process of setting priorities for the allocation of resources on January 9, 1984 (49 FR 1068). Interested parties were given 30 days, until February 8, 1984, to submit comments on the proposed revisions. Sixty (60) comments were received and thoroughly considered.

Sections 1620.1 Purpose and 1620.3 Access.

A number of comments expressed opposition to the added phrase "substantially equal access." Most noted that program, client and geographic differences made it virtually impossible to attain truly equal access, particularly in light of reduced funding levels. There was also confusion over the newly articulated mandate that eligible clients are entitled to "the same types of services and level of representation." There was a concern that such language would prohibit otherwise legitimate preferences such as for the handicapped, the elderly, etc.

"Equal access" does not mean "identical access". The spirit of the revision is to provide a strong mandate for priority setting. It does not require that clients be ranked on the basis of their financial resources, but it does permit distinct differences in resources to justify differences in access. Each program must do its best to provide the highest level of access possible. Each program is to set its own priorities according to its appraisal of the needs of the eligible client community it serves. Once the priorities are set, however, the proposed rule intends that all eligible clients have a reasonable equal opportunity to avail themselves of the range of services offered by the program.

In response to comments, the language of § 1620.3 has been modified in the final rule to make it clear that equal access is not to be considered an absolute standard, but is to be interpreted in light of the Act's requirement of economical and effective delivery of legal services, as well as in light of differing service needs and priorities in different sub-areas of a program's service area.

Section 1620.2 Procedure

This section, which establishes the procedure to be followed in setting priorities, has been modified in response to comments to eliminate the requirement of a needs assessment, and to replace it with the requirement of an appraisalas appeared in the old rule. Comments received indicated that a needs assessment was a complicated and expensive procedure, and that most programs had insufficient resources to carry it out. Therefore, the Corporation decided to remove that requirement, at least until such time as it can provide the necessary assistance to meet it.

The words "the governing body of" have been added to the opening language of § 1620.2(a) to indicate that priority-setting is a policy determination to be carried out by a program's board, and is not a staff function. A number of comments opposed the inclusion of the private bar among those whose opinions concerning priorities should be solicited. The most frequent objections to such input were that the private bar tended to be either hostile to or ignorant of the needs of eligible clients. The Corporation, however, encourages the involvement of the private bar as a policy matter in an attempt to broaden knowledge of and concern for the legal problems of eligible clients and to provide additional resources to meet those needs.

There were comments opposing the language in § 1620.2(c) which stated that each program's report on its priority setting activities "shall be submitted to the Corporation for approval and shall be available to the public. This language was apparently interpreted to mean that the Corporation would have to approve the actual priorities set. The comments were of the opinion that this was an undue and unwarranted centralization of the Corporation's authority.

The intent of this subsection, however, is to ensure that programs actually carry out the mandate of the Act to set priorities based on the needs of eligible clients in the service area. The Corporation's role is limited to assuring itself that programs have complied with that section of the Act. Therefore, to make it clear that the Corporation's role is procedural rather than substantive, the word "approval" has been changed to "acceptance". It should be further noted that that word "acceptance" relates to the report submitted, and not to the priorities themselves. Note that in the final rule § 1620.2(c) has been renumbered § 1620.4(b).

Some comments were received on the language in § 1620.2(c) concerning a "case acceptance schedule". The thrust of the responses was that the term was not sufficiently defined. Some were concerned that this was to be pre-determined and therefore unrealistic, while others expressed approval if the intention was to make such a schedule a compliance reporting device. This is intended to be a device to a program's compliance with its priorities, as well as an aid to staff in the determination of cases appropriate for acceptance under the priorities set by the program.

A number of comments were critical of the deletion of the phrase "the general effect of the resolution of a particular category of cases or matters on eligible clients in the area served" from old paragraph (b)(7). Most stated that the deleted language provided guidance on the use of scarce resources and that its absence, along with the "equal access" mandate, would impede the effectiveness of the priority-setting process. This modification, however, was proposed to complement the Corporation's policy that priorities should be based on the right of the individual client to legal assistance as opposed to an approach that makes a judgment as to which cases may have the most impact on an eligible class of clients.

Section 1620.4 Implementation

This newly designated section contains § 1620.5 from the proposed rule and § 1620.2(c) from the proposed rule, as discussed above.

Section 1620.5 Annual Review

The word "annual" has been added to highlight the periodic nature of the review. Further, the language has been modified to clarify that the priorities are to be reviewed "by the governing body of the recipient". This is in response to comments which interpreted the language of the proposed rule to mean that the Corporation would conduct the annual review. Such a reading is contrary to the intent of that section, and consequently the language has been modified to clarify it.

In addition, the word "distribution" has been added to the list of changes to be considered, to clarify that it is not merely the size and needs of the eligible client population in a service area which should be considered, but also their distribution within such area.

List of Subjects in 45 CFR Part 1620

Legal services.

For the reasons set out in the preamble, 45 CFR Part 1620 is revised to read as follows:

PART 1620—PRIORITIES IN ALLOCATION OF RESOURCES

Sec.

1620.1 Purpose.
1620.2 Procedure.
1620.3 Access.
1620.4 Implementation.
1620.5 Annual review.

Authority: Section 1007(a)(2) Legal Services Corporation Act of 1974, as amended (42 U.S.C. 2996f(a)(2)).

§ 1620.1 Purpose.

This part is designed to ensure that a recipient, through policy and plans adopted by its governing body, takes into account the view of eligible clients, staff, the private bar and other interested persons in establishing priorities for allocating its resources in an economical and effective manner, consistent with the purposes and requirements of the Act and other provisions of Federal Law; it is further designed to ensure that all potential eligible clients are provided substantially equal access to the same types of services and levels of representation, unless differences in level of services are based on differences in *client* financial resources.

§ 1620.2 Procedure.

(a) The governing body of a recipient shall adopt procedures for establishing priorities in the allocation of its resources. The procedures adopted shall:

(1) Include an effective appraisal of the needs of eligible clients in the geographic areas served by the recipient, and their relative importance, based on information received from potential or current eligible clients solicited in a manner reasonably calculated to obtain the attitude of all significant segments of the client population, as well as input from the recipient's employees, governing body members, the private bar, and other interested persons. In addition to substantive legal problems, the appraisal shall address the need for outreach, training of the recipient's employees, and support services;

(2) Insure an opportunity for participation by all significant segments of the client community and the recipient's employees in the setting of

priorities, in the development of the report required by § 1620.4(b), and in the annual review required by § 1620.5, and provide an opportunity for comment by interested members of the public.

(b) The following factors shall be among those considered by the recipient in establishing priorities:

(1) The appraisal described in paragraph (a)(1) of this section;

(2) The population of eligible clients in the geographic areas served by the recipient, including all significant segments of that population with special legal problems or special difficulties of access to legal services;

(3) The resources of the recipient;

(4) The availability of another source of free or low-cost legal assistance in a particular category of cases or matters;

(5) The availability of other sources of training, support, and outreach services;

(6) The relative importance of particular legal problems of the clients of the recipient;

(7) The susceptibility of particular problems to solution through legal processes; and

(8) Whether legal efforts by the recipient will complement other efforts to solve particular problems in the area served.

§ 1620.3 Access.

A recipient shall allocate resources consistent with the purposes and requirements of the Act, regulations, guidelines and instructions, including § 1620.2 of these regulations, so as to substantially provide that all potential eligible clients in the recipient's service and level of representation to the maximum extent economically practical. Type of services may vary as required to meet different priorities in different parts of the recipient's service area, and level of representation may vary based on differences in client financial resource. Availability of services should be reasonably proportional to the distribution of eligible clients by county or parish within the recipient's service area. Where a recipient serves an area that is not easily defined by parish or county jurisdictions, other units of political subdivision should be utilized.

§ 1620.4 Implementation.

(a) The governing body of a recipient shall establish policies and procedures that assure clients and the Corporation that cases which are accepted for representation of eligible clients substantially comply with the priorities adopted by the recipient.

(b) By June 30, 1984, each recipient shall prepare an initial written report describing its priorities, how they were developed, the resultant case acceptance schedule, and the implications of those priorities for the allocation of its resources and the composition, training, and support of its personnel. This report shall be submitted to the Corporation for acceptance and shall be available to the public.

§ 1620.5 Annual review.

Priorities shall be reviewed by the governing body of the recipient at least annually. After the initial report described in § 1620.4(b) each recipient shall submit to the Corporation an annual report summarizing the review of iorities, the date of the most recent appraisal, the timetable for the future appraisal of needs and evaluation of priorities, and mechanisms which will be utilized to ensure effective client participation in priority-setting, and any changes in priorities. The report shall also include a copy of the case acceptance schedule adopted as a result of the priority review and assessment of the changes made in current operations of the recipient as a result of the priority review. The following factors shall be among those considered in determining whether the recipient's priorities should be changed:

(a) The extent to which the objectives of the recipient's priorities have been accomplished;

(b) Changes in the resources of the recipient;

(c) Changes in the size, distribution, or needs of the eligible client population; and

(d) Implementation of § 1620.3.

Dated: May 4, 1984.

Alan R. Swendiman,

General Counsel.

[FR Doc. 84-12478 Filed 5-8-84; 8:45 am]

BILLING CODE 6820-35-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[BC Docket No. 82-536; FCC 84-187]

Use of Subsidiary Communications Authorization

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Petitions for Reconsideration were filed in response to the Commission's *First Report and Order* regarding use of FM subchannels (BC Docket No. 82-536). The petitioners' requests include: preempting state common carrier entry regulations for those seeking to use FM subchannels for paging services; exempting radio common carriers seeking to operate a paging service on FM subchannels within the same markets as their existing radio common carrier operation from § 22.516, traffic load studies; and streamlining application for FM subchannel paging operations and reexamining the issue of variable-tuned subchannel receivers. Because existing state regulations governing entry of radio common carrier services thwart the Commission's policy of spectrum efficiencies, we are preempting state entry regulations. Additionally, we will amend Section 22.516 for radio common carriers seeking broadcast subchannels within the same market as their existing service. Petitions to streamline Form 404 have been made moot by the Common Carrier Bureau's announced modified Form 404. Finally, the petitions to examine the issue of variable-tuned receivers are denied on the basis that this issue exceeds the scope of this proceeding. The intended effect is to dispose of these petitions.

EFFECTIVE DATE: June 8, 1984.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Brian F. Fontes, Mass Media Bureau (202) 632-6302.

List of Subjects in 47 CFR Part 22.

Radio common carriers.

Memorandum Opinion and Order

In the matter of petition for reconsideration of amendment of Parts 2 and 73 of the Commission's Rules Concerning Use of Subsidiary Communications Authorization, BC Docket No. 82-536.

Adopted: April 26, 1984.

Released: May 2, 1984.

By the Commission: Commissioner Rivera dissenting in part and issuing a statement at a later date.

Introduction

1. On April 7, 1983, the Commission adopted a *First Report and Order* in BC Docket No. 82-536 amending Parts 2 and 73 of the Commission's Rules concerning use of subsidiary communications authorization.[1] Petitions for reconsideration were filed by the National Radio Broadcasters Association (NRBA), National Association of Broadcasters (NAB), the law firm Fletcher, Heald and Hildreth (Fletcher) on behalf of their FM licensee clients, Telocator Network of America Inc. (Telocator) and Reach, Inc. Several parties filed Oppositions to Petitions for

[1] 48 FR 28445, June 22 (1983).

Reconsideration.[2] Replies to the Oppositions to Petitions for Reconsideration were filed by Fletcher, NAB and Reach.

2. In general, the Petitions for Reconsideration focus on the issue of preemption of state regulation with respect to paging services operating on FM subcarriers. Based on our review of the issues raised by these parties and our desire for spectrum efficient services fulfilling a public need, we are preempting state regulation that has the effect of prohibiting or impeding entry of radio common carrier services operating on FM subcarriers. The action we take today is a measured one designed only to insure the accomplishment of legitimate federal interests and is in no way intended to impinge upon regulation by state authorities to the extent such regulation does not have the effect of prohibiting or impeding entry.

Background

3. The Commission's *First Report and Order* removed long standing restrictions that limited the use of FM subcarriers and caused this resource to remain underutilized. Specifically, the major policy change established in the *First Report and Order* permits FM subcarriers to be used for non-broadcast as well as broadcast services. Broadcast-related services available on FM subcarriers may include enhancing main channel programming with stereo or quadraphonic sound; station cuing control and meter reading; and narrowcasting services such as background music, radio reading services, foreign language programming and various types of informational and instructional programming. Non-broadcast services may be similar to services presently being provided by licensees in the private radio services and/or the common carrier services. Included in such non-broadcast services are paging services. In the *First Report and Order* the Commission determined that FM subcarriers used for non-broadcast related Communications will be treated in the same general manner, as the providers of similar services in private radio and common carrier. However, the overall intent of the *First Report and Order* was to remove restrictions on FM subcarrier use and to foster efficient use of underutilized spectrum in serving the needs of the public.

4. The remaining policy changes contained in the *First Report and Order* include eliminating time restrictions on subcarrier operation; expanding the usable channel baseband to permit instantaneous sidebands up ton 99 kHz; and eliminating the restriction that subcarriers be frequency modulated. Regarding procedural matters, the *First Report and Order* eliminated the program log requirement for subcarrier operations and eliminated the requirement for a formal subcarrier application (Form 318). In the *Second Report and Order* adopted in this proceeding the Commission increased the modulation levels to 110% when subcarriers are transmitted.[3]

5. In summary, the *First Report and Order* represents a major effort on the part of the Commission to ensure efficient FM spectrum utilization and to remove unnecessary burdens imposed on FM licensees due to overly restrictive rules.

Summary of Petitions

6. *Preemption.* The petitions for reconsideration and subsequent oppositions and replies focus primarily on the issue of preempting state regulations regarding entry into common carrier paging services.

7. Fletcher, NAB, and NRBA, in their petitions, argue that the intent of the *First Report and Order* will be frustrated by anticompetitive state entry restrictions and that the Commission has the authority to preempt state entry regulation.

8. Reach, in its petition argues that limited preemption is clearly within the Commission's authority and that such action is necessary if any significant use is to be made of FM subcarriers. In its analysis, Fletcher reports that only 21 states including the District of Columbia have open entry requirements for paging services while the remaining states impose three general types of entry burdens on prospective paging carriers. Specifically, fifteen states enforce what Fletcher calls exclusionary statutes—requiring the prospective entrant to show need for its proposed service and prove that the proposed service will cause no economic harm to the existing carrier and that the existing carrier cannot satisfy the demand. The second class of paging entry statutes is defined by Fletcher as restrictive. In this category six states require the prospective entrant to demonstrate an unmet need for the proposed service. In this situation an existing paging service operator can intervene in the certification process of a proposed new applicant by protesting the application and showing that the unmet need can be served by the existing carrier; or that the addition of another paging service will injure that service of the existing operator. The final category of states have certification statutes that require the applicant to demonstrate some level of unmet need for the proposed new service, however these states do not protect established carriers *per se.* Fletcher's review of state statutes demonstrate that in a majority of the states, regulations pertaining to entry into a paging service via FM subcarriers will be both time consuming and expensive. Because of these state statutes, competition between FM subcarrier paging service and traditional radio common carrier paging services may never occur. The result of such entry regulations would be both inefficient use of the spectrum and the interest and need of the public going unserved.

9. Telocator Network of America argues that petitions filed by Reach, Fletcher, NAB and NRBA requesting preemption of state regulatory statutes represents an effort to expand their competitive advantage over radio common carriers providing paging services. Telocator contends that the Commission does not have the power to preempt state regulations governing entry and that no basis has been established in this proceeding for the exercise of such power. Telocator characterizes paging services as predominantly intrastate and local exchange in nature. Therefore, it asserts that petitioners request for preemption is inconsistent with the Commission's authority. Specifically, Telocator interprets Section 331(c)(3) as prohibiting the Commission from using its radio licensing powers to preempt state regulation of paging service entry, rates or practices.

10. The Bell Operating Companies (BOC) argue that "to exempt one group of competitors from this regulation [preemption] would be to give those entities a competitive advantage over their regulated counterparts because the unregulated entities would be better situated to respond to market conditions than the regulated entities." Giving advantage to certain entities because they are FM broadcasters, according to BOC, would be totally unwarranted.

11. *Traffic Load Studies.* A second issue raised by the petitioners was a request to repeal or waive § 22.516 of the rules for FM subcarriers. Section 22.516 of the rules requires that traffic load studies be conducted in conjunction with an application

[2] Commenting parties include: Telocator, Reach, Bell Operating Companies, American Foundation for the Blind, Westinghouse Broadcasting and Cable, Inc., Minnesota State Services for the Blind and Visually Handicapped, North Carolina Association of Broadcasters, NAB, and the Association of Reading Services, Inc.

[3] 49 FR 15079, April 17, 1984.

requesting the assignment of an additional frequency for an existing one-way signaling station or in conjunction with an application requesting the assignment of one or more additional frequencies for an existing two-way station. The NAB argues that the Commission should not apply § 22.516 of the rules to FM subcarriers. NAB states that the lack of use of a subcarrier leased by a radio common carrier should not affect the radio common carrier's showing for an additional regular paging channel. The intent of this rule, according to NAB, is to prevent frequency warehousing and promote channel availability. NAB contends that "existing common carriers who attempt to foreclose new competition by 'warehousing' their own channels do so at no cost to themselves, because they already control underutilized channels." Warehousing FM subcarriers would require a leasing arrangement with broadcasters. The cost of leasing subcarriers combined with increased availability of channels decreases the likelihood of foreclosing competition by warehousing.

12. Reach also agrees that the premise behind § 22.516 is no longer valid as it applies to FM subcarrier paging services. Requiring existing radio common carriers to demonstrate a fill requirement in order to lease subcarriers will restrict competition in the provision of FM subcarrier paging. Reach also argues that leasing costs serve as an inhibitor to anyone who might wish to warehouse all possible paging channels. Reach, however, does qualify its request to repeal § 22.516. They argue that "* * * restricted radio common carrier entry into subcarrier paging imposed by Section 22.516 balances the restricted entry by others that exists because of various state restrictions on competitive radio common carrier services." Repealing Section 22.516 without preempting state entry practices would leave many FM licensees unable to enter the paging market themselves, and also unable to lease their subcarriers for paging purposes to anyone other than the existing local radio common carrier.

13. Telocator, like NAB and Reach, requests that the Commission repeal § 22.516 for radio common carriers who choose to lease one or more FM subcarriers in the same market where they operate radio common carrier paging services. The discipline of marketplace forces dictate that warehousing of FM subcarriers by radio common carriers would be unlikely. Therefore, according to Telocator, there is no justification for wasting either the applicant's time or resources preparing § 22.516 exhibits.

14. In summary, all parties agree that § 22.516 should be repealed for radio common carrier seeking to operate paging services on FM subcarriers within the same market as the existing radio common carrier's paging service. The commenters believe that the economies involved in leasing FM subcarriers would work against radio common carriers' warehousing spectrum.

15. *Remaining Issues.* The remaining issues raised by petitioners include a request that the Commission: (a) Modify the radio common carrier application form for those wishing to operate paging services on FM subcarriers; and (b) reexamine the issue of variable tuned FM subcarrier receivers.

Discussion

16. *Preemption.* In our *First Report and Order* in this proceeding we adopted what we believed was a flexible set of rules to govern the telecommunications services offered by means of FM radio station subcarriers. The rules were thought to be appropriate in light of the apparently competitive nature of the services that would be provided and the need to provide flexibility for entrepreneurial and technical innovation in untried areas of service. Additionally, the rules were designed to promote the rapid introduction of service to the public, to encourage the use of what had been a largely fallow communications resource, and to permit the transmission of a variety of services including private or common carrier communications in conjunction with a broadcasting facility. We also indicated that private systems operating on FM subcarriers were exempt from state and local regulation in accordance with section 331(c)(3) of the Act.[4] [5] On reconsideration, however, several entities have requested that we also preempt state regulation of FM subcarrier services offered on a common carrier basis because state regulation has proven to be a barrier to the development and provision of new or additional common carrier services over FM subcarriers.[6]

17. Those favoring preemption contend that preemption will benefit the public by increasing competition, enabling businesses to be flexible in their service offerings, and encouraging more efficient use of the radio spectrum. In particular, they emphasize the overriding federal responsibility for management of the radio spectrum and the broad powers necessarily accorded the Commission in carrying out that responsibility. On the other hand, several commenters have questioned our legal authority to preempt state regulation. They have argued that it is inequitable to treat communications service offerings over FM broadcast subcarriers differently than similar conventional radio common carrier services. After reviewing the various arguments presented, we are persuaded that state regulation that has the effect of prohibiting of impeding entry of

[4] Section 331(c)(3) provides that "* * * no State or local government shall have any authority to impose any rate or entry regulation upon any private land mobile service * * *". 47 U.S.C. 331(c)(3).

[5] Once a service is classified as private under the statutory test contained in section 331(c) of the Act, it is exempt from state and local regulation. This enables the Commission to expedite the availability of private carrier services through FM subcarriers without unnecessary restrictions. FM broadcast licensees seeking to provide private carrier paging service must notify the Licensing Division of the Private Radio Bureau in Gettysburg, Pennsylvania, 17325, by letter certifying that their facilities will only be used for permissible purposes under 47 CFR Parts 90 and 94, and that the service will only be offered to users eligible under 47 CFR Part 90 of the rules. They must also certify 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 Act. The letter of notification is all that is required to be sent to the Commission. There are no application forms, and no separate licenses will be issued. In addition, the letters of notification do not give rise to a comment period or petitions to deny. As a result of these simplified procedures, the Private Radio Bureau already has received 50 letters from FM broadcast licensees, notifying the Licensing Division that they are initiating private carrier service on subcarrier facilities.

[6] This proceeding and the discussion herein concern the regulatory treatment of FM radio station subchannel communications services. Comparable kinds of communications, with some technical variations, may also be distributed using the ancillary communications capacity on the vertical blanking interval of television stations or on television broadcast station subchannels. In authorizing expanded uses of these communications channels, we have followed the same pattern adopted with respect to FM subchannels. Petitions asking for reconsideration of our teletext decision *(Report and Order in BC Docket 81-741,* FCC 83-120, —— FCC 2d —— (Released May 20, 1983)) raised issues substantially identical to those raised here. In addition, in our decision authorizing nonbroadcast uses of television subchannels *(Second Report and Order in Docket 21323,* FCC 84-116, —— FCC 2d —— (Released April 23, 1984)), we specifically indicated that the resolution of the preemption issue with respect to FM subchannels would cover TV subchannels as well. All the comments concerning this issue that have been submitted in those proceedings have been considered. Accordingly, we regard the decision herein to be dispositive of the state regulatory preemption issues for television ancillary services as well as for those offered over FM subchannels. Copies of this *Memorandum Opinion and Order* will be filed in Dockets 81-741 and 21323. We have proposed to follow the same pattern in the AM broadcasting areas as well. *(Notice of Proposed Rulemaking in MM Docket 83-1322,* FCC 83-571, FCC 2d —— (Released December 14, 1983). *See also Notice of Proposed Rulemaking in MM Docket 84-168,* FCC 84-50, —— FCC 2d —— (Released March 8, 1984.

common carrier FM subcarrier services frustrate legitimate federal objectives and should be preempted for the reasons described below.

18. Although we believe preemption of this state regulation to the limited extent indicated herein is warranted in this instance, we reach that conclusion fully cognizant of the fact that we have historically permitted the states to regulate the various facets of common carrier mobile services, such as paging.[7] We also recognize that because we are engaging in this limited preemption of common carrier radio services offered on FM subcarriers, but not conventional common carrier radio services, there will be some disparity in treatment of similar services. However, because the record in this proceeding only addresses the problems that have arisen with state entry regulation of common carrier services offered on FM subcarriers, and in particular paging, this proceeding does not provide the appropriate vehicle for changing existing policies relating to state entry regulation of conventional radio common carrier services. In light of that potential disparity in treatment, however, we expect to issue a notice of proposed rulemaking addressing the need to preempt state regulation that has the effect of prohibiting or impeding the entry of conventional common carrier mobile services in the foreseeable future.

19. With respect to preemption, the Supreme Court recently indicated that Congress may preempt state law in either of two general ways.[8] First, even in the absence of explicit preemptive language,[9] Congress may implicitly indicate its intent to completely occupy a given field, and any state law encompassed within that field would automatically be preempted. Such intent could be found in a congressional regulatory scheme that was so pervasive that it would be reasonable to assume that Congress did not intend to permit the states to supplement it.[10] Second, in those instances where Congress has not entirely displaced state regulation, state law can be preempted to the extent it actually conflicts with federal law. Such conflicts may occur when "compliance with both Federal and State regulations is a physical impossibility," *Florida Lime & Avocado Growers, Inc.* v. *Paul*, 373 U.S. 132, 142–43 (1963), or when state law "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." *Hines* v. *Davidowitz*, 312 U.S. 52, 67 (1941). Furthermore, federal regulations have the same preemptive effect as federal statutes. *Fidelity Federal Savings and Loan Association* v. *de la Cuesta, supra*. Our decision to preempt state entry regulation is based upon the conflict betwen state entry regulation in this instance and this Commission's federal objectives.

20. Initially, we conclude that whenever a common carrier intends to provide inerstate paging services utilizing a network of subcarriers, this Commission may preempt state entry regulation to the extent such regulation impedes the development of that service.[11] Moreover, because interstate systems also provide intrastate services between two or more cities in the same states, those intrastate services are technically and practically difficult to separate from the interstate services, we may preempt state entry regulation of the intrastate paging services. *See California* v. *FCC*, 567 F. 2d 84, 86 (D.C. Cir 1977), *cert. denied* 434 U.S. 1010 (1978). In this regard, several commenters have indicated an interest in constructing nationwide or regional paging or data distribution systems that would encompass several states. Such systems would be comprised of numerous, interconnected local systems operating on either a common carrier or private radio basis.[12] Reach, Inc., in particular, has already signed up numerous FM stations themselves or lessees of FM subcarriers in cities across the country in an effort to develop a nationwide paging system.[13] Such systems are designed to make it possible to lease or purchase a subcarrier receiver and then receive a page or other communication virtually anywhere in the nation.[14] However, for such services to be economically viable, the system should, at the minimum, encompass all states in a region. State regulations precluding or impeding operations in any significant portion of the country or region are likely to make operation of such services a practical impossibility. For example, a regional system servicing Delaware, Pennsylvania, New Jersey, and Connecticut would not be viable if service to New York—a major business center with substantial tourist trade—were not included as a result of the licensee's inability to obtain state common carrier certification from New York. Any such preclusion or impediment would be a direct burden upon interstate communications and hence conflicts with our licensing functions and authority to regulate such interstate systems under the Communications Act.[15]

21. Because this state regulation over local services conflicts with our authority under Section 301 of the Communications Act, we are also preempting state regulation of local services where such regulation has the effect of prohibiting or impeding entry. Section 301 requires the Commission "to

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[7] *See e.g., Mobile Tariff Filings*, 1 FCC 2d 830 (1965), reprinted, 53 FCC 2d 579 (1975); *Morrison Radio Relay Corp.*, 31 FCC 2d 612, 616 (1971); *First Report and Order*, CC Docket No. 20870, 69 FCC 2d 398, 402–404 (1978), *recon. denied*, 80 FCC 2d 294, 296–297 (1980); *Curtin Call Communications, Inc.*, 62 FCC 2d 211 (1976); *Canaveral Communications*, 24 FCC 2d 279, *recon. denied*, 26 FCC 2d 73 (1970). Indeed, § 22.13(f) of the Commission's rules requires all common carrier mobile service licensees to demonstrate compliance with state certification requirements. To the extent we are today preempting state entry regulation, that provision will not apply to any licensees providing common carrier mobile services over Teletext and TV and FM subcarriers.

[8] *Pacific Gas and Electric Company* v. *State Energy Resources Conservation & Development Commission*, 103 S. Ct. 1713 (1983); *Silkwood* v. *Kerr-McGee Corporation*, 104 S. Ct. 615 (1984).

[9] As previously noted, Section 331(c)(3) explicitly provides for preemption of state and local government regulation of private carriers.

[10] *See Fidelity Federal Savings & Loan Ass'n* v. *de la Cuesta*, 458 U.S. 141, 153 (1983); *Rice* v. *Santa Fe Elevator Corp.*, 331 U.S. 218, 230 (1947); *See also Pacific Gas and Electric Company* v. *State Energy Resources Conservation & Development Commission, supra* at 1722.

[11] *See Orth-O-Vision*, 69 FCC 2d 657 (1978), *aff'd sub nom. New York State Commission on Cable Television* v. FCC & USA, 669 F. 2d 58 (2d Cir. 1982); *Telerent Leasing Corp.*, 45 FCC 2d 204 (1974), *aff'd sub nom. North Carolina Utilities Commission* v. *FCC*, 537 F. 2d 787 (4th Cir.), *cert denied*, 429 U.S. 1027 (1976); *First Report and Order*, Docket 80–183, 89 FCC 2d 1337 (1982), *reconsideration denied in part*, 93 FCC 2d 908 (1983), aff'd mem. sub nom. *National Ass'n of Reg. Util. Commissioners* v. *FCC*, No. 83–1485 (D.C. Cir. 1984).

[12] With respect to nationwide private carrier systems, the Private Radio Bureau, on October 21, 1982, granted 39 applications filed by Millicom Corporate Digital Communications, Inc., for 39 individual land station licenses to enable Millicom to operate as a nationwide Private Carrier Paging System ("PC PS") on the frequency 929.9875 MHz in 39 locations throughout the United States. In addition, the Commission allocated four of the private channels in the 929–930 MHz band for multi-location paging operations. Licensees authorized to provide a multi-area paging service were also permitted to provide local service in any part of the multi-area system. *Memorandum Opinion and Order*, Docket No. 80–183, released November 23, 1983.

[13] A February 15, 1984, Reach prospectus lists agreements in process to use the subcarriers of 118 stations for private or common carrier communications.

[14] Because many radio stations already have satellite reception equipment installed, it may well be possible for these communications to be distributed piggybacked on existing radio broadcast network services.

[15] We realize, however, that because of the intrastate or local characteristics, the states may have some interest in whether such services are authorized. Accordingly, the states, like any other interested party, may raise their concerns with this Commission whenever an entity applies to us for permission to commence common carrier subchannel operation. See also, footnote 29 *infra*. Morever, we note that the states may impose regulations that do not prohibit or impede entry, for example, notification requirements. *See* footnote 31, *infra*.

maintain the control of the United States over all the channels of radio transmission; and to provide for the use of such channels * * * by persons for limited periods of time, under licenses granted by Federal authority * * *." Thus, Section 301 confers broad powers upon this agency to regulate the licensing or franchising of facilities.[16] The record before us amply demonstrates that, in this instance, state regulation that has the effect of prohibiting or impeding entry conflicts with our authority to license channels and determine their use. First, whenever a state denies certification to one of our licensees, there may result a clear conflict with our public interest determination that licensing of the service will serve the public interest. Here, several commenters argue that they have already experienced difficulties in obtaining state authorization for these services.[17] In addition, the commenters have provided us with a detailed list of all state laws regulating entry.[18] Those lists demonstrate that in numerous states our common carrier licensees must meet virtually insurmountable burdens before the states will permit them to offer service. For example, those state laws generally require a showing that there is an unmet need for the service and that existing licensees cannot or will not satisfy that need. Thus, even where applicants can demonstrate that an unmet need exists, existing licensees are almost always willing to satisfy that need and certification is denied. As a result, our licensees are usually unable to obtain certification in those states. Consequently, even though we have concluded that the public interest warrants the licensing of these common carrier radio facilities, state certification requirements, as a practical matter, entirely foreclose their construction and operation. Because these state certification requirements operate to prevent fulfillment of our licensing activities under section 301, we conclude that preemption of those requirements is warranted.

22. Additionally, the mandate of section 301 that we provide for the use of channels authorizes the Commission to allocate the Nation's scarce spectrum resources.[19] In attempting to satisfy that mandate, the public's need for new or additional services must be balanced against the limited spectrum currently available. In sum, we must strive for economy in the use of spectrum. Our decision to authorize nonbroadcast uses of FM subcarriers was premised upon the spectrum efficiencies that may be gained from a concurrent use of frequencies for both broadcast and nonbroadcast purposes. Such efficiencies promote national spectrum allocation policies by ensuring that spectrum does not remain unused. Furthermore, such policies also enable us to conserve valuable spectrum resources that otherwise would have to be allocated to each service individually. For example, although the Commission has allocated spectrum specifically for paging purposes, a very significant growth in demand for this service is projected,[20] and some, including Telocator, sought additional frequencies including channels for nationwide service.[21] Thus, it is evident that common carrier paging services are much in demand and provide an important use for the previously unused FM spectrum. State regulation that has the effect of prohibiting or impeding entry frustrates our objective of enabling beneficial use of this spectrum. Accordingly, we believe that limited preemption of state regulation of services authorized on FM subcarriers is necessary in order to ensure that the additional spectrum we have made available will not continue to remain unused.

23. Moreover, this Commission has, in conjunction with its spectrum licensing and allocation functions, developed rules and policies that strongly favor and encourage competition. For instance, in *Cellular Communications Systems, supra,* we provided that there be two entities offering service in each market, and we specifically foreclosed the states from altering that market structure. Additionally, to prevent mobile licensees from requesting additional facilities for the purpose of excluding potential competition, we have, in the past, found it to be necessary to require them first to demonstrate adequate loading on their existing channels.[22] The Commission has indicated that such pro-competitive policies further the public interest by facilitating the rapid introduction of new services, the lowering of rates, and increases in the quality of service. In contrast, state regulation which has the effect of prohibiting or impeding entry for common carriers generally preclude the introduction of competition. They favor the existing licensee and, as noted above, provide the existing licensee with the first opportunity to satisfy any unmet need.[23] Such barriers to new entry are in fundamental conflict with our pro-competitive spectrum allocation policies. Therefore, we believe this state regulation of common carriers providing service over subcarriers must also be preempted for this reason.

24. In this connection, we also note that Congress has recently re-emphasized the importance of eliminating regulatory obstacles that hinder the development of new and additional uses of the spectrum. The Federal Communications Commission Authorization Act of 1983, Public Law 98–214, adds a new Section 7 of Title I of the Communications Act which states, in pertinent part,

> It shall be the policy of the United States to encourage the provision of new technologies and services to the public. Any person or party (other than the Commission) who opposes a new technology or service proposed to be permitted under this Act shall have the burden to demonstrate that such proposal is inconsistent with the public interest.

This section requires the FCC to encourage the development of new services and provides a presumption that new services are in the public interest. A similar provision was previously included in Senate Bill S. 66, Senate Report No. 98–67. In explaining the objectives of that previous provision, the Senate Report emphasized that "the development of new technologies and the efforts of competitors seeking to respond to consumer demands will bring

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[16] *See National Association of Regulatory Utility Commissioners* v. *FCC*, 525 F.2d 630, 173 U.S. App. D.C. 413, 429 (1976).

[17] *See, e.g.*, Petition for Reconsideration and Consolidated Reply of Reach, Inc.

[18] *See* February 3, 1984 Memorandum filed in the record on behalf of Reach, Inc.

[19] *See e.g., Notice of Inquiry*, Gen. Docket 82–334, F.C.C., 82–286, mimeo No. 31575, released July 9, 1982; *Notice of Proposed Rule Making* Gen. Docket 82–334, F.C.C. 83–2, mimeo 32629, released January 13, 1983 in (48 FR 67302); *First Report and Order*, Gen. Docket 82–334, 54 RR 2d 1001 (48 FR 50, 722) (1983). This proceeding among other things addresses some of the problems we have experienced because of scarcity of spectrum and proposes several solutions.

[20] *First Report and Order, Gen. Docket 80–183, supra* at 1351.

[21] *Id.* at 1336. Although we declined to provide, beyond the forty channels proposed, any of the additional channels requested in Docket 80–183, we did so because of our belief that the additional space requested "could promote inefficient use of the 900 MHz band, which is also in demand by other services." This contrasts sharply with the use of FM subchannels where historic restraints that assured that frequencies would not be used at all or used inefficiently were removed specifically to allow a more efficient use.

[22] *See e.g., Further Notice of Proposed Rulemaking*, Docket 20870, 48 FR 9048 (1983); *Second Report and Order*, Docket 20870, 89 FCC 2d 1199 (1982); *Third Report and Order*, Docket 20870, 48 FR 8074 (1983).

[23] Indeed, we have recognized this problem before, but at that time, did not believe the circumstances warranted preemption. *See First Report and Order, Docket No. 20870*, 69 FCC 2d 398, 401, (1978). We have never, however, focused closely upon the effect of state certification upon spectrum utilization.

more service to the public than will administrative regulations." In further elaboration, the Senate Report states that "a claim that the new or additional service will provide competition that will take revenue from another service, either existing or proposed, will not be a valid rebuttal." The regulatory process, the Report states, "should not act as a barrier to those who wish to provide new and additional services."

25. Thus, to the extent that the issues raised herein turn on the implementation of Congressional policy underlying section 301 of the Communications Act, we believe the Commission's authority must be exercised to eliminate barriers to entry and promote competition. New Section 7 of Title I thus provides strong support for the action we are taking today.

26. Having found authority for preemption in Title III, the only other consideration is whether some other provision of the Act prevents preemption. We recognize and the commenters have noted that sections 2(b) and 221(b) of the Communications Act expressly reserve certain regulatory functions to the states. Section 2(b) provides, in pertinent part, that,

> except as provided in Section 224 and subject to the provisions of section 301, nothing in this Act shall be construed to apply or give the Commission jurisdiction with respect to (1) charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service by wire or radio of any carrier . . .

Section 221(b) provides, in pertinent part, that

> subject to the provisions of section 301, nothing in this Act shall be construed to apply, or to give the Commission jurisdiction, with respect to charges, classifications, practices, services, facilities, or regulations for or in connection with wire, mobile, or point-to-point radio telephone exchange service . . .

These two provisions thus reserve to the states jurisdiction over charges, classifications, practices, services, facilities, or regulations concerning intrastate communication services and telephone exchange service, and historically, most aspects of common carrier paging services have been regulated by the states.[24] We have previously deferred consideration of whether we could preempt entry regulation of these common carrier services.[25] We conclude today that those provisions do not preclude our preemption of state regulation which has the effect of prohibiting or impeding entry of local and intrastate common carrier paging services.[26]

27. Sections 2(b) and 221(b) provide that state regulatory authority must give way to the extent that it conflicts with our authority under Section 301 of the Act.[27] Thus, the states may not engage in activities that interfere with our authority to license facilities and allocate spectrum under section 301, so as to frustrate the federal purposes embodied in the Communications Act. *See e.g., National Association of Regulatory Utility Commissioners* v. *FCC, supra.*[28] As discussed above, we believe state that has the effect of prohibiting or impeding entry of these services conflicts with our spectrum allocation policies, as well as with our licensing authority developed in accordance with section 301. Accordingly, we believe we may preempt this state regulation to the extent indicated even assuming such regulation is encompassed under Sections 2(b) and 221(b).[29]

28. Additionally, we note that, contrary to Telocator's contentions, section 331(c)(3) of the Act was not intended to preclude our preemption of state entry regulation. Section 331(c)(3) provides that "no State or local government shall have any authority to impose any rate or entry regulation upon any private land mobile service, *except that nothing in this subsection may be construed to impair such jurisdiction with respect to common carrier stations in the mobile service.*" (Emphasis added). Section 331(c)(3) was enacted to preempt state regulation of private carrier systems. In taking that action, Congress also made clear that Section 331(c)(3) was not a basis for preempting state jurisdiction over common carrier services. The Conference Report accompanying new section 331 explained that the states were to retain their jurisdiction over common carrier services to the extent that state regulation was "consistent with Sections 2(b) and 221(b)." H.R. Rep. No. 765, 97th

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[24] *See* footnote 6, *supra*. Other than preemption of entry regulation, we intend no change in the existing division of regulatory authority between the Commission and the States.

[25] *See First Report and Order*, Docket No. 20870, 69 FCC 2d 398, 403 (1978), *recon. denied*, 80 FCC 2d 294, 296 (1980); *Cellular Communications Systems*, 86 FCC 2d 469, 505 (1981), *recon. granted in part*, 89 FCC 2d 59 (1982); *Further recon. granted in part*, 90 FCC 2d 571 (1982). *See also Radiocall Corporation*, 92 FCC 2d 160, 163–164 (1982), *aff'd mem. sub nom. Marine Telephone Operator Association* v. *FCC*, No. 83–1056 (D.C. Cir. 1983).

[26] *See Memorandum Opinion and Order*, Docket 18262, *supra* at 975; *Cellular Communications Systems*, 86 FCC 2d 469, 503–504 (1981); *recon. granted in part*, 89 FCC 2d 59, 96 (1982); *further recon. granted in part*, 90 FCC 2d 571 (1982); *United Telephone Company of Ohio*, 26 FCC 2d 417, 419–420 (1970); *Midwest Corp.*, 53 FCC 2d 294, 303 (1975).

[27] The proviso "subject to Section 301" was added to section 221(b) in 1954 at the suggestion of this Commission. According to the Commission's comments on the bill amending Sections 2(b) and 221(b), the purpose of the provision was to provide that ". . . this Commission retain jurisdiction over noncommon carrier regulatory aspects of the radio stations involved . . ." The Commission's comments also indicated that Sections 2(b) and 221(b) otherwise provided that the Commission's common carrier jurisdiction did not extend to certain intrastate or local telephone exchange services. *See* H.R. No. 910, 83d Cong., 1st Sess. at 4–5 (1953). Our action today is consistent with this interpretation of those statutory provisions. We are not using our Title II jurisdiction over common carriers to preempt state entry regulation; rather, the basis for preempting state regulation that has the effect of prohibiting or impeding entry is the conflict between state common carrier regulation and our noncommon carrier licensing policies developed pursuant to section 301. Because some entities are subject to both our Title II and Title III authority, policies developed pursuant to our radio licensing, or Section 301, authority can affect common carriers. Indeed, that is precisely the situation before us today. In such circumstances, the statute expressly provides, and the legislative history discussed above indicates, that Section 301 affords us jurisdiction.

[28] In dicta, the Court recognized that our section 301 licensing power was an exception to the restraints of sections 2(b) and 221(b). It further noted that section 301 encompassed the power "to draw up comprehensive schemes providing the conditions under which licenses will be granted." In that case, the "comprehensive scheme" was the Commission's pro-competitive policy of creating an atmosphere of free entry and competition which was intended to maximize the development of mobile radio technology. That policy, as well as several others designed to implement section 301, are the basis of our similar preemptive action today.

[29] The Commission has generally considered the type of service here in question (*i.e.* paging service interconnected with the public switched telephone network) to be "telephone exchange service" within the meaning of Section 221(b). *See* Public Notice: FCC Announces New Policy Regarding Filing of Mobile Tariffs, 1 FCC 2d 830 (1965); FCC Policy Regarding Filing of Tariffs for Mobile Service, 53 FCC 2d 579 (1975); and MTS and WATS Market Structure, Phase I, FCC 84–36, 49 FR 7810 (March 2, 1984), at para. 149. *See also United States* v. *American Telephone and Telegraph Co.*, slip Op. 82–0192 (D.D.C. November 1, 1983), at pp. 4–6. Nevertheless, the evolution of the regulatory treatment of paging is somewhat obscure. At the federal level, paging appears to have been viewed historically as an adjunct or complement to two-way mobile telephone service and therefore deserving of identical regulation. At the state level, on the other hand, paging, because it is a one-way communications service, has not uniformly been treated as a "telephone" service by the state jurisdictions. *See, e.g., Illinois Consolidated Telephone Company* v. *Illinois Commerce Commission*, 447 N.E. 2d 295 (ILL. 1983), and *Radio Relay Corp* v. *Public Utilities Commission*, 341 N.E. 2d 826 (Ohio 1976). *See also* the annual state-by-state survey of RCC regulation in *Telocator*, Vol. 11, No. 3 (March 1984). At pp. 86–88. (Some states regulate paging service provided by telephone companies differently from that provided by RCCs.) Given this regulatory environment, and given the technical and operational differences between traditional common carrier paging and FM subchannel paging, a case can be made that subcarrier paging does not fall within the bounds of section 221(b).

Cong., 2d Sess. at 56 (August 19, 1982). Thus, Section 331(c)(3) did not change the balance of regulatory authority but simply deferred to Sections (2)b and 221(b). As we have noted, the states' authority to regulate intrastate services under Sections 2(b) and 221(b) is expressly subject to the provisions of Section 301. Our preemption action, which is based on Section 301, is thus fully consistent with the congressional intent expressed in the Conference Report. Our preemption of state regulation of common carriers that has the effect of prohibiting or impeding entry is not based upon subsection 331(c)(3), but upon the conflict between state entry regulations and our authority under section 301 of the Act.[30] Accordingly, because it is evident that section 331(c)(3) was not intended to address our authority under section 301, we conclude that Telocator's contentions are without merit.[31]

29. *Traffic Load Studies.* Section 22.516 requires traffic load studies to be conducted in conjunction with applications for additional frequencies for an existing radio common carrier paging station. Petitioners requested that § 22.516 be repealed for those existing radio common carriers seeking to lease FM subcarriers for paging services. The parties argue that the economics of leasing agreements and overall marketplace forces would thwart the practice of warehousing spectrum. We find that the costs associated with leasing and warehousing subcarriers would be expected to increase the costs of paging service operations, and would render such warehousing economically unjustifiable, in view of the numerous alternative means of providing paging service. Recent action by the Commission has made available the TV aural bassband for subcarrier operations.[32] Therefore, we conclude that the need for § 22.516 no longer exists for those radio common carriers seeking to lease FM subcarriers within the market of their existing paging service. In addition the warehousing of subcarrier channels, however economically unlikely, would not withhold from public use frequencies that have been allocated for the primary purpose of common carrier paging service. Based on the arguments raised by the petitioners and our desire to eliminate unneeded regulation, we are amending § 22.516 to permit radio common carriers to lease FM subcarrriers within the market of their existing service without having to conduct and submit traffic load studies.[33]

30. *Remaining Issues.* On the remaining issues, the Common Carrier Bureau has issued a *Public Notice* indicating that Form 401, Application for Common Carrier paging services, has been modified to take into account the unique aspects of such services offered on FM subcarriers.[34] Thus, the petitions for a revised application form for subcarrier paging are moot. Finally, the Commission stated in the *First Report and Order* that the issue of variable-tuned subcarrier receivers was beyond the scope of this proceeding. Further, the Commission issued a declaratory ruling on the applicability of section 605 of the Communications Act of 1934, as amended, 47 U.S.C. 605, to the manufacture, sale or lease of tunable FM subcarrier receivers. The ruling stated that "the unauthorized interception and beneficial use of SCA transmissions which are intended for subscribers only would constitute a violation of this statutory provision."[35] None of the *Petitions* point to manifest errors, or omissions within the *First Report and Order* with regard to variable-tuned subcarrier receivers. Additionally, no new evidence was submitted that would have changed the result of the decision. Therefore, the *Petitions for Reconsideration* of these issues are denied.

31. Accordingly, it is ordered, that the Petitions for Reconsideration filed by the National Association of Broadcasters, National Radio Broadcasters Association the law firm of Fletcher, Heald and Hildreth and Reach, Inc., pertaining to preemption of state statutes regulating entry into paging service on FM subcarriers are granted to the extent indicated above. Petitions filed by the National Association of Broadcasters, National Radio Broadcasters Association, the law firm of Fletcher Heald and Hildreth, Reach, Inc., and Telocator Network of America to repeal § 22.516, traffic load studies, are granted to the extent indicated above. The petition by Reach, Inc., to consider variable-tuned FM subcarrier receivers in this proceeding is denied. Finally, petitions to to streamline the radio common carrier application form for those seeking operate paging services on FM subchannels are moot due to modifications to the form made by the Common Carrier Bureau.

32. Authority for adoption of the rules contained herein is contained in sections 2, 4 (i), and 303 of the Communication's Act of 1934, as amended.

33. Accordingly, it is ordered, that Part 22 of the Commission's Rules is amended as set forth in Appendix A, effective June 8, 1984.

34. Further, it is ordered that this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 22—[AMENDED]

Part 22 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 22.516 paragraph (a)(1) is revised to read as follows:

§ 22.516 Usage showing for additional channels.

(a) * * *

(1) Applications which request an additional frequency for an existing one-way signaling station (except where the additional frequency is made available

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[30] We note that the Conference Report also contains a statement by the Committee that ". . . the Commission may not use its licensing powers to circumvent limitations on its economic regulatory jurisdiction over common carrier stations." Report at 56. This statement serves to reinforce our conclusion that the references to sections 2(b) and 221(b) in section 331 were not intended to alter the status of state and federal jurisdiction over radio common carriers under existing law. The references were intended merely to clarify that those provisions were unaffected by passage of section 331. As discussed above, we believe the preemptive action we have taken herein is fully consistent with our authority under those provisions.

[31] There are, of course, matters relevant to the legitimate interests of the states that may become apparent during the entry stage. To the extent that regulation of these matters does not in any way have the effect of prohibiting or impeding entry, this action does not preempt them. For example, it may be necessary that states be notified of the fact that an entity is about to begin operation in order that the state can then exercise its legitimate post entry authority. Additionally, matters such as zoning, health and safety are appropriately regulated so long as the exercise of this authority does not have the effect of prohibiting or impeding entry.

[32] *Second Report and Order*, the use of subcarrier frequencies in the aural baseband of television transmitter, Docket No. 21323, FCC 84-116, released April 23, 1984.

[33] For a more general review of § 22.516 see *Fourth Report and Order* in Docket No. 20870 FCC 84-179, adopted April 26, 1984, Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service. This *Order* was preceded by a *Notice of Inquiry and Notice of Proposed Rulemaking*, 61 FCC 2d 266 (1976); *First Report and Order*, 69 FCC 2d 398 (1978) (elimination of prior state certification requirement); *Second Report and Order*, 89 FCC 2d 1199 (1982) (elimination of need showing for one initial two-way channel); *Third Report and Order*, FCC 83-53, 48 FR 8074 (1963) (objective need standards adopted for additional two-way channels).

[34] "FCC will accept FM Subchannel Applications for Common Carrier Services," *Public Notice* No. 1754, January 10, 1984.

[35] Letter from Mr. James M. Weitzman (released February 17, 1984).

as a subcarrier on a broadcast station licensed under part 73):

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[FR Doc. 84-12430 Filed 5-8-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 68

[CC Docket No. 83-427; FCC 84-142]

Access to Telecommunications Equipment by the Hearing Impaired and Other Disabled Persons

AGENCY: Federal Communications Commission.

ACTION: Amendment of final rules.

SUMMARY: Pursuant to petitions for reconsideration, the Commission is amending its rules to modify the event which brings into effect requirements that telephone packaging contain information on hearing aid compatibility and on impermissible uses of incompatible telephones (labelling and instructions requirements). The amended rules specify that these requirements apply to telephones which leave a manufacturer's or refurbisher's plant or premises on or after June 1, 1984. For telephones which left the plant or premises before that date but are offered for sale on or after it, compliance may be attained by having the packages meet the labelling and instructions requirements or by ensuring that the retailer or other seller make equivalent information available to consumers. Consistent with the Telecommunications for the Disabled Act of 1982, these modifications are adopted to avoid costs to equipment providers which could burden all ratepayers while providing hearing impaired consumers with the maximum amount of information at the earliest possible date.

EFFECTIVE DATE: May 9, 1984.

FOR FURTHER INFORMATION CONTACT: Carl Gold, (202) 632-4890.

List of Subjects in 47 CFR Part 68

Communications equipment; Telephone.

Order on Reconsideration

In the matter of access to telecommunications equipment by the hearing impaired and other disabled persons; Mura Corp., Uniden Corp., Electronic Industries Association and GTE Service Corp., Petitions for Reconsideration; Mura Corp. and Uniden Corp., Petitions for Stay (CC Docket No. 83-427).

Adopted: April 11, 1984.
Released. April 17, 1984.

By the Commission.

I. Introduction

1. We have before us petitions filed by Mura Corporation (Mura), Uniden Corporation of America (Uniden), Electronic Industries Association (EIA), and GTE Service Corp. (GTE), requesting that we reconsider the labelling requirements for notifying consumers concerning the hearing aid-compatibility [1] of telephones adopted in our Report and Order [2] implementing the Telecommunications for the Disabled Act of 1982, Pub. L. 97-410 (to be codified as 47 U.S.C. § 610) (Act). In addition, Mura and Uniden request that we stay the effective date of those requirements pending resolution of their petitions for reconsideration.

2. The Telecommunications for the Disabled Act was designed to resolve problems that persons with physical disabilities may have in obtaining access to the telephone network. Among the problems which Congress addressed was the inability of consumers to determine whether particular telephones are hearing aid-compatible. The Act required us to adopt rules requiring telephone packaging material to contain information as to whether equipment is hearing aid-compatible. Congress gave this Commission discretion to determine the timing and specific content of the labelling requirement and to impose any additional requirements necessary to provide information on hearing aid-compatibility of telephones.[3]

3. To ensure that consumers can determine whether telephones are hearing aid-compatible, we adopted rules requiring manufacturers to label telephone packaging materials as to hearing aid-compatibility. Our rules provide that "Every telephone offered for sale to the public on or after June 1, 1984 * * * shall contain in a conspicuous location on the surface of its packaging a statement as to whether or not the telephone is hearing aid-compatible," [4] and that the package of a telephone which is not hearing aid-compatible must contain written instructions that FCC rules prohibit installation of that telephone in certain locations designated by the Commission as "essential." [5] For convenience, both of these provisions will be referred to as labelling requirements. The petitions for reconsideration of these requirements request that we limit the labelling requirements to those telephones which are manufactured or shipped on or after June 1, 1984. In addition, EIA suggests that our labelling requirements apply to refurbished as well as newly-manufactured telephones.

4. To avoid burdening both manufacturers and consumers with the costs of recalling the repackaging telephones shipped prior to June 1, 1984, while protecting the interests of hearing impaired consumers, we must modify our labelling requirements in the following manner. The packaging of every telephone shipped on or after June 1, 1984, must comply with the labelling requirements as currently written.[6] The packaging of every telephone shipped before but offered for sale after June 1, 1984, which did not contain labelling must be made to conform with the labelling requirements as written unless the manufacturer of refurbisher makes arrangements to ensure that retailers or other sellers make available written information enabling consumers to determine whether the telephone is hearing aid-compatible. Finally, by January 1, 1985, the packaging of every telephone offered for sale to the public must comply with the labelling requirements as currently written. Because of this decision, we dismiss motions requesting that we stay the requirements of §§ 68.224 and 68.218(b).[7] The labelling requirements apply whether telephones are newly manufactured or refurbished.

II. Pleadings of the Parties

5. EIA, Uniden and GTE all request that the reference in section 68.224 to telephones "offered for sale to the public

[1] A telephone is hearing aid-compatible if it internally generates a magnetic field sufficient to permit feedback-free reception by a person wearing a hearing aid, in compliance with 47 CFR 68.316.

[2] —— FCC 2d ——, FCC 83-565, 49 FR 1352 (Jan. 11, 1984).

[3] Section 610(d) of the Act provided that "The Commission shall establish such requirements for the labelling of packaging materials for equipment as are needed to provide adequate information to consumers on the compatibility between telephones had hearing aids. "47 U.S.C. 610(d). In addition the legislative history of the Act suggested other methods for identifying whether telephones are hearing aid-compatible. H.R. Rep. No. 888, 97th Cong., 2d Sess., at 12 (1982). (House Report).

[4] 47 CFR 68.224. The full text of this section and § 68.218(b) is set forth in an Appendix attached to this Decision.

[5] 47 CFR 68.218(b)(5). Section 68.112 enumerates the locations at which "essential" telephones must be hearing aid-compatible by January 1, 1985. "Essential" telephones include coin telephones, telephones provided for emergency use and telephones frequently needed by the hearing impaired.

[6] For the purpose of each requirement, if a telephone is shipped or sold unpackaged, it must be accompanied by a written statement containing the information which would be printed on a package label.

[7] The National Association of the Deaf and the American Council of the Blind jointly filed a petition for reconsideration of other portions of the Report and Order. The issues raise in that petition will be decided in due course.

on or after June 1, 1984" be modified to encompass only telephones "manufactured" on or after that date. EIA also suggests modifying that section to include telephones refurbished on or after that date. Mura asks that the section be applied only to telephones "shipped" by manufacturers on or after June 1, 1984. Each of these parties alleges that the Commission in adopting sections 68.224 and 68.218(b) miscalculated or failed to consider the burdens placed on manufacturers by the requirement that all telephones "offered for sale" after June 1, 1984 be labelled with respect to hearing aid-compatibility or accompanied by the Section 68.218(b) notice. Petitioners also complain that they were not put on notice that the Commission would require labelling to commence shortly after the adoption of regulations. Petitioners further assert that it would be a heavy burden if manufacturers were required to recall telephones already either in the possession of retailers or in transit to the retailer and to open and then repackage equipment which is already packaged. GTE further argues that applying labelling requirements to telephones manufactured prior to the issuance of our Report and Order constitutes an illegal retrofitting requirement and revokes equipment type registrations without due process.

6. Oppositions to the petitions for stay and reconsideration were filed by Congressman Thomas Bliley, Jr., the Communications Workers of America (CWA), and the Organization for Use of the Telephone (OUT), and a joint opposition was filed by the National Association of the Deaf and the American Council of the Blind (Joint Opponents).[8] The CWA, OUT, and Representative Bliley contend that, because the Act was passed in late 1982, and because the Commission adopted its rules in this docket in December 1983, manufacturers have had ample opportunity to prepare for labelling telephone packaging. Each further contends that the policy of the Act is to require notification of hearing aid-compatibility as early as possible, and that the Commission's rules as enacted are the minimum requirements necessary to meet this policy.

7. The Joint Opponents also oppose the grant of a stay and oppose the unconditional grant of the manufacturer's petitions for reconsideration. They emphasize that the goal of the Act's labelling requirement is maximum disclosure of consumer information at the earliest possible time. Therefore, the Joint Opponents do not oppose a modification of the timing of the Commission's labelling requirement as long as there is prompt adoption of procedures to ensure that telephones manufactured or shipped before June 1, 1984, but offered for sale after June 1, 1984, are accompanied by information equivalent to that required by the Rules. The Joint Opponents would be satisfied if the Commission granted waivers of the June 1 deadline on labelling requirements to manufacturers which indicate to the Commission the interim procedures they will use, including but not limited to point-of-sale displays and notices in sales catalogs. AT&T Technologies submitted comments representing that by June 1, 1984 it expects to be in compliance with the labelling requirements as currently written.

III. Discussion

8. The Telecommunications for the Disabled Act required us to adopt labelling requirements but did not establish a date by which those requirements should become effective. The legislative history of the Act indicates Congress' intent that we resolve the problems facing the hearing imparied in accessing the telephone network without delay.[9] As stated above, the rules we adopted require that the packaging of telephones offered for sale to the public contain information indicating whether a telephone is hearing aid-compatible. In addition, packaging containing incompatible telephones must also contain written notification that the telephone may not be installed in certain locations where a hearing aid-compatible telephone is deemed "essential" by the Act and our implementing rules. The Act generally requires that we weigh the costs and benefits of our implementing rules, which includes any costs and benefits associated with any modification or retention of our current labelling requirements. These include the costs to manufacturers and to all consumers if the rules are not modified and the additional delay and inconvenience to hearing-impaired consumers if the rules are modified.

9. Petitioners identify two burdens which our labelling requirements as currently formulated may place on manufacturers of telephone equipment. First, some telephone packaging without the hearing aid-compatibility information required by our rules may remain in manufacturers' inventory on June 1, 1984. To comply with our rules as currently written, manufacturers or refurbishers would have to label the packages of these telephones, and for incompatible telephones, insert printed instructions enumerating locations where nonhearing aid-compatible telephones may not be placed. In addition, telephones which left the manufacturer's control without hearing aid-compatibility information must be located and retrieved before they can be brought into compliance with labelling requirements. Mura's proposal, that we modify our requirements to apply only to telephones shipped on or after June 1, 1984, would eliminate the need for product retrieval. The other petitioners' proposal, to apply labelling requirements only to telephones manufactured on or after June 1, would eliminate the need both to recall telephones and to repackage telephones remaining in manufacturers' inventory. Of course, some or all of the manufacturers' costs will be passed on to consumers.

10. On the other hand, manufacturers will have had almost 5 months from the publication of the Report and Order in the **Federal Register** to bring telephones in their inventory into compliance with the labelling requirements. This amount of time is sufficient for telephones which will not have been shipped by June 1, 1984. While some costs will be incurred, we were aware of those costs when we adopted the implementing rules. Imposing a labelling requirement only on telephones manufactured after June 1 could cause a substantial amount of telephones lacking hearing aid-compatibility information to remain in the distribution chain for months after that date. Petitioners have failed to show that the costs of bringing telephones remaining in manufacturers' inventory as of June 1 into compliance outweigh the harm which hearing impaired customers will suffer and which the labelling requirements are intended to address. Accordingly, those petitions requesting that we require notification of hearing aid-compatibility only for telephones manufactured on or after June 1, 1984, are denied.

11. We are persuaded, however, that the costs to manufacturers to locate and retrieve telephones not complying with our labelling requirements, which may be in transit, in retailers' or wholesalers' inventories, or on retailers' shelves as of June 1 may be substantial. The parties' estimates of the number of unlabelled

[8] OUT's Opposition was filed beyond the seven-day time limit for opposing a stay, 47 CFR 1.45(d), but was filed in time to be considered as an opposition to petitions for reconsideration. On February 28, Uniden sought leave to file a reply to the Joint Opponent's Opposition. Section 1.45(d) of our rules specifically prohibits the filing of such a reply, and accordingly Uniden's reply will not be considered herein.

[9] House Report at 12, 14.

telephones which would have to be recalled vary from one million to the tens of millions and provide no basis for determining which estimate is most accurate. Using any of these estimates, however, the number of unsold telephones which will have been shipped (*i.e.*, left the manufacturer's plant and premises) and do not contain notification of hearing aid-compatibility will be significant. A requirement that these telephones be recalled to the manufacturing plant, repackaged and labelled, would involve expenses which would be passed on to all consumers, including the hearing impaired. These costs outweigh the benefits to the hearing impaired of retaining our labelling requirements as they are now written. Furthermore, having had notice of labelling requirements since January 11 of this year, manufacturers can be expected to label all telephones still in their inventory as of June 1, 1984. We recognize, however, that they may not have been able to label telephones manufactured soon after labelling requirements were adopted. Therefore, some unlabelled telephones were necessarily shipped after labelling requirements were adopted.

12. Therefore, we find that petitioners have raised valid concerns requiring prompt corrective action. Accordingly, we are amending section 68.224 to state that telephones which leave the manufacturer's plant or premises on or after June 1, 1984 be labelled in accordance with sections 68.218(b)(5) and 68.224 of our Rules. In addition, the modified rules will require that manufacturers who have shipped unlabelled telephones prior to June 1, 1984 must ensure that a consumer can determine whether any such telephone offered for sale to the public on or after June 1, 1984 is hearing aid-compatible. Manufacturers may comply by meeting the labelling requirements or, if unable to do so, by ensuring that retailers or other sellers make available written information sufficient to enable consumers to determine if telephones are hearing aid-compatible and indicating that incompatible telephones may not be placed at essential locations beginning January 1, 1985. Manufacturers may comply with this alternative requirement by ensuring that the seller posts signs where telephones are displayed or provides other readily available, comprehensible written information. To balance the fact that we are permitting the sale of telephones lacking labelling after June 1, 1984, we must ensure that unlabelled equipment is not offered for sale indefinitely. Therefore, all telephones offered for sale on or after January 1, 1985 must be labelled, and accompanied by written instructions, if the telephones are not hearing aid-compatible. By that that date all telephones in "essential" locations must be in compliance. Furthermore, EIA's projections of a one year "overhang" are unsubstantiated and do not justify extending the deadline for full compliance with labelling requirements beyond that date. Our modifications herein best fulfill the Act's intent of disseminating information on hearing aid-compatibility as expeditiously as possible while reaching a careful balance between the interests of consumers and manufacturers. These procedures will avoid disrupting the availability of telephones that are hearing aid-compatible, will avoid most of the costs of which the manufacturers complain, *e.g.*, no product recall will be necessary, and will ensure that consumers can determine the hearing aid-compatibility of telephones as soon as possible.

13. We reject GTE's argument that requiring the packaging of telephones manufactured prior to June 1, 1984, constitutes a retrofitting requirement in violation of section 610(f) of the Act.[10] That section prohibited this Commission from requiring that certain telephones be made hearing aid-compatible. The retrofitting prohibition is not applicable to the labelling of telephone packaging.

14. GTE also asserts that requiring labelling of packaging of equipment which was type-registered under Part 68 of our Rules prior to issuance of the Report and Order in this docket constitutes a revocation of the registration grant without following the notice and hearing requirements of section 2.939 of our Rules.[11] We reject this argument because all parties had notice of Congress' directive that we require labelling. We published a Notice of Proposed Rulemaking containing proposals implementing these statutory obligations and all parties had ample opportunity to comment on methods to implement the labelling requirements. It has been clear throughout our rulemaking to implement the Act that implementation of labelling requirements without delay was a primary consideration under the legislative plan. Accordingly, we find GTE's argument to be unpersuasive.

15. Finally, EIA raises two additional concerns. The first is whether our labelling requirements apply to equipment refurbished after June 1, 1984, as well as to newly manufactured equipment. We conclude that our labelling requirements are applicable to all telephone equipment including refurbished equipment which leaves the premises or inventory of a manufacturer or refurbisher on or after June 1, 1984. Refurbishing may alter the hearing aid-compatibility of a telephone. Unless the telephone is labelled after being refurbished, a consumer may be unable to determine whether the telephone is hearing aid-compatible, which would contravene Congress' intent that consumers be able to make that determination. Therefore, the same reasons for imposing labelling requirements on newly manufactured equipment apply equally to refurbished equipment and there is no reason to treat refurbished equipment differently from newly manufactured equipment.[12]

16. Our decision herein eliminates the need for a stay of our labelling requirements. We are therefore dismissing the petitions for stay filed by Uniden and Mura.

IV. Ordering Clauses

17. Accordingly, it is ordered, That the petitions for reconsideration filed by Mura Corporation, Uniden Corporation of America, Electronic Industries Association and GTE Service Corporation are granted in part and denied in part as described herein;

18. It is further ordered, That the petitions for stay filed by Mura Corporation and Uniden Corporation of America are dismissed.

19. It is further ordered, That the Secretary shall cause this Memorandum Opinion and Order to be published in the **Federal Register.**

20. It is further ordered That Part 68 of the Commission's Rules and Regulations are amended as specified in the Appendix to this Order. These

[10] That section provides in part: "Except for coin-operated telephones and telephones provided for emergency use, the Commission may not require the retrofitting of equipment * * *." 47 U.S.C. 610(f).

[11] That section provides in part that * * *

(b) Revocation of an equipment authorization shall be made in the same manner as revocation of radio station licenses.

(c) The Commission may withdraw any equipment authorization in the event of changes in its technical standards. The procedure to be followed will be set forth in the order promulgating such new technical standards (after appropriate rulemaking proceedings) and will provide a suitable amortization period for equipment in the hands of users and in the manufacturing process. 47 CFR 2.939 (b), (c).

Section 312 of the Communications Act requires a show cause order and hearing prior to revocation of a radio station license. 47 U.S.C. 312.

[12] Pursuant to delegated authority, the Bureau extended the deadline for including information on hearing aid-compatibility in Part 68 registration statements from March 1 to April 1, 1984, because the IEEE standards referred to in § 68.316 were not published until recently. See FCC Public Notice No. 2312 (February 7, 1984).

amendments become effective on the date the Order is published in the Federal Register.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

1. Rules for which reconsideration is sought:

§ 68.218 Responsibility of grantee of equipment registration.

* * * * *

(b) The grantee or its agent shall provide to the user of the registered equipment the following:

* * * * *

(5) For a telephone which is not hearing aid-compatible, as defined in § 68.316 of these Rules:

(i) Notice that FCC rules prohibit the use of that handset in certain locations; and

(ii) A list of such locations (see Section 68.112).

A telephone company which provides and installs the registered equipment need only provide the user with the information required in paragraphs (b)(1), (b)(3) and (b)(5) of this section.,

§ 68.224 Notice of hearing aid-compatibility.

Every telephone offered for sale to the public on or after June 1, 1984, whether previously-registered or newly registered shall:

(a) Contain in a conspicuous location on the surface of its packaging a statement as to whether or not the telephone is hearing aid-compatible, as is defined in section 68.316 of these Rules, or if offered for sale without a surrounding package, shall be accompanied by a written statement as to whether or not the telephone is hearing aid-compatible, as is defined in Section 68.316 of these Rules; and

(b) Be accompanied by instructions in accordance with § 68.218(b)(5) of the Rules.

PART 68—[AMENDED]

2. Title 47, Part 68 of the Code of Federal Regulations is amended as follows:

Section 68.224 is amended by revising the introductory paragraph and by adding a new paragraph (c) to read as follows:

§ 68.224 Notice of hearing aid-compatibility.

Every telephone offered for sale to the public which leaves the plant or premises of a manufacturer or refurbisher of telephone equipment, on or after June 1, 1984, whether previously-registered or newly registered shall:

* * * * *

(c) For every telephone which is offered for sale on or after June 1, 1984, which left the plant or premises of a manufacturer or refurbisher prior to June 1, 1984, (1) the requirements of (a) and (b) of this section shall be complied with or (2) the manufacturer or refurbisher must ensure that the retailer or other seller make available written information sufficient to enable a consumer to determine whether a telephone is hearing aid-compatible, and, if the telephone is not hearing aid-compatible, information in accordance with § 68.218(b)(5) of the Rules. Every telephone, whether newly manufactured or refurbished, which is offered for sale to the public on or after January 1, 1985, must meet the requirements of (a) and (b) of this section.

[FR Doc. 84-11864 Filed 5-8-84; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 69

[CC Docket No. 78-72; Phase I; FCC 84-189]

MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: One year waiver of Commission rules.

SUMMARY: This action waives until June 1, 1985, a Commission rule which requires the National Exchange Carrier Association ("NECA") to bill and collect all carrier common line access charges. In addition, this order also waives § 69.607(a) of the Commission's rules, to the extent necessary, to permit the NECA to effect settlements on a net basis. This action is intended to afford the NECA sufficient time to arrange appropriate financing while maintaining continuity in the distribution of interstate revenues to exchange carriers.

DATE: May 2, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kent R. Nilsson, Common Carrier Bureau, (202) 632-9342.

List of Subjects in 47 CFR Part 69

Access charges, Exchange carrier association, Telephone.

Order Granting Waiver

In the matter of MTS and WATS market structure [CC Docket No. 78-72 Phase I; FCC 84-189]

Adopted: April 30, 1984.

Released: May 2, 1984.

By the Commission.

1. In its Access Charge Reconsideration Order, FCC 83-356, released August 22, 1983, the Commission adopted a final rule which provides that the National Exchange Carrier Association ("NECA") "shall bill and collect all Carrier Common Line access charges."[1] In its earlier Third Report and Order in the Access Charge Proceeding,[2] the Commission had concluded that the NECA "shall compute a monthly net balance for each member telephone company that is not an average schedule company. If such a company has a negative net balance, the association shall disburse that amount to such company."[3]

2. On March 1, 1984, the NECA filed an emergency petition for a one year waiver of those sections of the Commission's rules. We then issued a Public Notice requesting comments and reply comments on or before March 9, 1984, and March 14, 1984, respectively. GTE Service Corporation, the Municipality of Anchorage d/b/a Anchorage Telephone Utility ("ATU"), the Rural Telephone Coalition ("RTC") and the United States Telephone Association ("USTA") filed comments in support of the NECA emergency petition. Subsequently, the Bell Atlantic Telephone Companies, the BellSouth Corporation and the Rural Electrification Administration ("REA") filed reply comments.[4] In addition, the Southwestern Bell Telephone Company filed a letter which supported the NECA request.

3. The petition was grounded upon difficulties which the NECA had encountered in attempting to finance working capital requirements. More specifically, the NECA stated that negotiations with potential creditors have revealed that the NECA would be required to receive long term exchange carrier assignments of revenues as conditions precedent to minimizing the NECA's costs of borrowing. In attempting to secure those assignments, the NECA was informed that many exchange carriers, including over 1,000 borrowers from the Rural Electrification Administration, have already assigned security interests in revenues to existing creditors. In addition, other exchange carrier indenture provisions require assessments to determine whether assignments of revenues will conflict with existing exchange carrier lending arrangements.

4. Under these circumstances, and in light of the time remaining until the

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[1] See § 69.604 of the Commission's rules, 48 FR 43022 (September 21, 1983).

[2] 93 FCC 2d 241 (1983).

[3] See § 69.607(a) of the Commission's rules, 48 FR 20366 (March 11, 1983).

[4] The Bell Atlantic Telephone Companies' comments were filed on March 12, 1984, and therefore, will be treated as reply comments. REA filed a Motion to Accept Late-Filed Reply along with its reply comments on March 16, 1984.

effective date for access charges tariffs, the NECA has requested a one year waiver of § 69.604(a) of the Commission's rules to afford the NECA sufficient time to resolve this matter, and permit exchange carriers, on a transitional basis, to bill, collect, and report carrier common line charges in a manner which would be "consistent with the past settlements model approach." [5] If the waiver were granted, the NECA has stated that settlements would be accomplished by calculating a net balance due each exchange carrier by deducting the exchange carrier's revenues from its share of total pooled revenues and causing those exchange carriers with a negative net balance to remit such net amounts to NECA and having NECA subsequently distribute these funds to those exchange carriers having a positive net balance. Funds would be collected by NECA from exchange carriers having a negative net balance no earlier than four (4) business days before the end of the month following the data month under report and then be distributed to exchange carriers having a positive net balance no later than the last business day of the month.[6]

5. The commenting parties agree with the NECA's assessment of the difficulties involved in attempting to implement the provisions of § 69.604(a). The commenting parties emphasize the importance to exchange carriers of receiving a revenue stream from the NECA in a timely, stable manner and therefore urge the Commission to allow the waiver for the period sought. REA, RTC, and USTA noted that during the waiver period the NECA would have adequate time to develop a long term approach to exchange carriers' settlements.

6. We are aware of the complexities which are associated with effecting the lending arrangements which the NECA has described, and agree that additional time is required to permit the implementation of an efficient revenue distribution process. The period which has been requested for the waiver should be sufficient to resolve assignment of revenues questions and permit the NECA to arrange appropriate financing.

7. Accordingly, it is ordered that the request of the National Exchange Carriers Association for a waiver of § 69.604(a) of the Commission's rules is granted.

8. It is further ordered that § 69.607(a) of the Commission's rules is waived, to the extent necessary, to accomplish the net settlements which are described in paragraph 4 of this Order.

9. It is further ordered that this Order shall be effective immediately, and that the waivers that are granted herein shall expire on June 1, 1985.

10. It is further ordered, That the Motion to Accept the late-filed reply by the Rural Electrification Administration is granted.

11. It is further ordered that this Order shall be published in the **Federal Register.**

(**Authority:** Secs. 4(i) and 303, Communications Act of 1934, as amended.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 84-12422 Filed 5-8-84; 8:45 am]

BILLING CODE 6712-01-M

[5] A collateral waiver of § 69.607(a) was also requested to permit carriers to bill and collect revenues, with settlements among exchange carriers being made on a net basis during the period of the waiver.

[6] NECA Emergency Petition for Waiver at 10-11.

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47 CFR Part 73

[BC Docket No. 80-90; RM-2587; RM-3226; RM-3367]

Modification of FM Broadcast Station Rules To Increase the Availability of Commercial FM Broadcast Assignments

AGENCY: Federal Communications Commission.

ACTION: Correction of final rule.

SUMMARY: This document corrects the Memorandum Opinion and Order in the proceeding concerning the FM Broadcast rules to increase the availability of commercial FM broadcast assignments (49 FR 10260; published March 20, 1984).

These corrections are necessary because the original printing contained erroneous information and omitted material.

FOR FURTHER INFORMATION CONTACT: John A. Karousos, Mass Media Bureau, (202) 632-9660.

Erratum

In the Matter of Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments, BC Docket No. 80-90, RM-2587, RM-3226, RM-3367.

Released: April 23, 1984.

The Memorandum Opinion and Order in the above entitled proceeding (49 FR 10260; published March 20, 1984) is corrected to change as follows:

1. Table A in the appendix (paragraph 2, regarding § 73.207 of the Commission's rules) should change the minimum distance separation requirements of co-channel Class B to B relation from "241 (105) to 241 (150)."

2. In § 73.507(c)(1) of the appendix change the reference "§ 93.207" to read "§ 73.207".

3. The text of § 73.333 as published in Appendix C to the Report and Order of June 27, 1983, paragraph 18, is corrected to read as follows:

"**§ 73.333 Engineering charts.**

This Section consists of the following Figures 1, 1a, 2, and slider 4 and 5."

4. In Paragraph 35 in the Supplementary Information change "Act of 1834" to read "Act of 1934", as amended.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 84-11349 Filed 5-8-84; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-19; RM-4564; FCC 84-156]

Repeal of the "Regional Concentration of Control" Provisions of the Commission's Multiple Ownership Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action eliminates the "regional concentration of control" provisions of the Commission's multiple ownership rules. These provisions prohibit the common ownership, operation, or control of three commercial AM, FM, or television stations where any two are located within 100 miles of a third, and where there is overlap of the primary service contours between any of the stations. The rule is being eliminated because the increase in the number of broadcast and other media outlets that has occurred since the rule's adoption has attenuated the need for regional ownership restrictions to promote the ultimate goals of diversity of voices and economic competition. Additionally, the regional concentration of control provisions impose significant opportunity costs involving foregone service or economic efficiencies that might have promoted greater diversity

or economic competition. These limitations also produce substantial administrative costs. Finally, the Commission's "duopoly" and "one-to-a-market" rules will continue to restrain group ownership, often more stringently, in many circumstances that would have been subject to the regional restrictions, thereby serving as a safety net in terms of concentration concerns.

DATE: June 7, 1984.

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

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Mass Media Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio and television broadcasting.

Report and Order (Proceeding Terminated)

In the matter of Repeal of the "Regional Concentration of Control" Provisions of the Commission's Multiple Ownership Rules, MM Docket No. 84-19, RM-4564.

Adopted: April 11, 1984.
Released: May 1, 1984.

By the Commission. Commissioner Rivera dissenting and issuing a statement at a later date.

Introduction

1. On January 12, 1984, we adopted a *Notice of Proposed Rule Making* in this proceeding, proposing either the elimination or substantial relaxation of the "region concentration of control" provisions of §§ 73.35(b)(1), 73.240(a)(2), and 73.636(a)(2) of the Commission's Rules.[1] These sections[2] prohibit the common ownership, operation, or control of three commercial AM, FM, or television stations where any two are located within 100 miles of the third, and where there is primary service contour overlap between any of the stations.[3] The rule also provides for two exceptions. First, any regional concentration of control issue which involves overlap of or by UHF television stations is examined on a case-by-case basis. Second, AM-FM combinations may be considered as one station if their communities of license are within 15 miles and/or within the same urbanized area.

2. The *Notice* was issued in response to a petition for rule making filed by the National Association of Broadcasters. Based upon our review of the comments and reply comments filed in this proceeding, as well as other relevant information noted herein, we conclude that the "regional concentration of control" provisions should be eliminated.

Background

3. Over the years, the Commission has taken two different approaches toward considering regional concentration of control issues. First, prior to the adoption of the current rule, the Commission resolved such issues on a case-by-case basis, under which it weighed various factors such as the size and population of the areas served, the distances between commonly owned stations, and the number of competing media. However, as explained in the *Notice* in this proceeding, such an *ad hoc* approach presented significant problems.[4] It proved to be burdensome to applicants who were required to conduct extensive media surveys to disprove the possibility that the grant of an application would result in undue concentration of control. It also created uncertainty among applicants who were unsure of the significance of each of the factors weighed by the Commission. *See, e.g., Clarksburg Publishing Company* v. *F.C.C.*, 225 F.2d 511 (D.C. Cir. 1955); *Wichita-Hutchinson Co.*, 17 R.R. 2d 1235 (1969); and *Forum Communications Co.*, 34 R.R. 2d 1163 (1975).

4. As a result, the Commission instituted, on its own motion, a rule making proceeding to establish a "fixed" standard for identifying and resolving regional concentration of control issues that would avoid the imprecision and unpredictability of the case-by-case approach. It ultimately adopted the current rule which relies on simple and easily understood, but extremely rigid, geographic and contour overlap criteria. However, as explained in the *Notice*, this "fixed" rule has presented serious problems of its own, producing inconsistent and arbitrary results in its application. Citing these difficulties and the substantial changes in marketplace conditions that have occurred since the policy bases for our regional concentration of control provisions were last examined, we requested comment on the problems associated with the present rule and on the advisability of substantially relaxing or eliminating entirely our regional ownerships restraints.[5]

Comments

5. Comments filed in this proceeding recommended, almost unanimously, the elimination or significant modification of the regional concentration rules.[6] The comments reflected a strong consensus that the application of a "fixed" rule, without regard for geographic contours, population concentration, or competing services and marketplace conditions, has produced arbitrary and anomalous results.[7] NAB, recommending not only elimination of these rules but the underlying policy as well,[8] observed that the regional concentration issue is defined in terms which bear no relationship to the Commission's real concerns of competition and diversification in the broadcast industry. As a consequence, NAB alleged that rigid application of the rules has created an insurmountable burden in demonstrating that waiver of the rules would serve the public interest. Multimedia and ALF agreed that the impact of the regional concentration rules has not corresponded to the regulatory purposes they were intended to serve.[9] Noting that many contours

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[1] FCC 84-10, released January 17, 1984, 49 Fed. Reg. 2478, published January 20, 1984. The *Notice* established filing deadlines of February 21, 1984, and March 7, 1984, for comments and reply comments, respectively.

[2] Subsequent to the adoption of the *Notice* in this proceeding, the Commission issued its *Report and Order* in MM Docket No. 83-46 *et al.*, FCC 84-115, adopted March 29, 1984, in which Sections 73.35, 73.240 and 73.636 were deleted and Section 73.3555 of the rules was added. Section 73.3555 consolidated the formerly separate multiple ownership provisions for each of the broadcast services without altering the substantive terms of those provisions. To provide continuity with our discussion in the *Notice*, we shall continue to refer herein to the rules by their former section designations.

[3] The term "primary service contour" refers to the predicted or measured 0.5 mV/m contour for AM stations, the predicted 1.0 mV/m contour for FM stations, and the predicted Grade B contour for TV stations, computed in accordance with Sections 73.183 or 73.186, 73.313 and 73.684, respectively, of the rules.

[4] *Notice of Proposed Rule Making* in MM Docket No. 84-19, 49 FR 2478, 2479, para. 4 (1984).

[5] *Id.* at 2481-83, paras. 14-24.

[6] Formal comments in this proceeding were submitted by the following parties: American Broadcasting Companies, Inc. (ABC), American Legal Foundation (ALF), Bahakel Communications, Ltd. (Bahakel), Broadcast Licensees (MWK), Charisma Communications (Charisma), Communications Investment Corp. (CIC), Henry Geller and Donna Lampert (Geller), Multimedia, Inc. (Multimedia), National Association of Broadcasters (NAB), National Radio Broadcasters Association (NRBA), National Telecommunications and Information Administration (NTIA), North Carolina Association of Broadcasters (NCAB), Rand Corporation (Rand), United States Department of Justice (DOJ), United States Small Business Administration (SBA), Viacom International, Inc. (Viacom), and Western Pennsylvania Christian Broadcasting Company (WPCB).

[7] *See* comments of MWK, ABC, ALF, Bahakel, Charisma, Multimedia, NAB, NRBA, NTIA, NCAB, and Viacom.

[8] *See also* comments of CIC.

[9] ALF, for example, cited several cases in which application of the rules foreclosed otherwise meritorious applications for broadcast outlets or occurred where no possibility of regional concentration existed. *Piedmont Service Corp.*, 68 FCC 2d 992 (1978); *WFGL, Inc.*, 68 FCC 2d 892 (1978); and *Tri-State Broadcasting, Inc.*, 52 R.R. 2d 992, 1013 (1982).

extend beyond a station's genuine service area, ABC and MWK argued that the rules are very simplistic in considering only geographical distances and contour overlap.[10]

6. Beyond the arbitrariness of the current "fixed" rule, the most frequently cited argument supporting elimination of the regional ownership limitations was that expansion of the marketplace itself assures public access to a wide variety of diverse viewpoints and services. Because adequate protection for competition and diversity inheres in the market structure, many commenters urged, the Commission's initial concern with regional concentration has been rendered moot. CIC, for example, contended that diversity has already been achieved and that retaining the present limits adds only marginally to that diversity. Moreover, DOJ noted that elimination of the regional concentration rule would raise little risk of adverse competitive effects in broadcast markets because regional markets are not relevant to an analysis of competitive concerns. Similarly, NAB commented that diversity is simply not a meaningful concern in the regional market context, suggesting that "few people read daily newspapers or watch local TV broadcasts originating from different communities on a regular basis."

7. In addition, commenters insisted that the regional concentration rules have produced undesirable economic costs. Specifically, it was suggested that the rules may prevent regional broadcasters from establishing the widespread market presence necessary to compete effectively in the video marketplace. NRBA claimed that "only larger and financially stronger broadcast operations can produce the quality programming that increasingly sophisticated consumers demand in highly competitive markets." Moreover, Viacom, NAB and WPCB claimed that economies of scale are necessary to provide economically feasible service to many areas of the country. In addition, Bahakel observed that the rules may prohibit acquisition of stations which could improve program service in given markets. Thus, these commenters concluded that reduced efficiencies penalize broadcasters and consumers because they often result in reduced programming choices and service opportunities.

8. Two other arguments supporting the elimination of the regional concentration of control rules were made with some frequency. First, several commenters claimed that it was unfair to restrain ownership of only over-the-air commercial broadcast stations in this fashion.[11] Specifically, commenters noted that in expressly declining to adopt regional concentration rules for cable and LPTV, even the Commission has recognized that developments in the telecommunications marketplace have rendered such rules obsolete.[12] Secondly, many commenters [13] stressed that adequate regulation of legitimate regional concentration concerns could be accomplished through the enforcement of the "duopoly" and "one-to-a-market" rules and existing antitrust laws.[14]

9. One commenting party, Geller, argued that the Commission's proposal to eliminate the regional concentration rules disregards the Constitutional and statutory goals of diversification of sources in the marketplace of ideas in the area where diversity is most critical—the local/regional level. Geller observed that *any* numerical restriction must have an arbitrary component, but such a component is acceptable where, as here, it is necessary to effective regulation. Thus, Geller concluded that repeal of the rules would not only represent a serious departure from the Commission's historical concern with diversification of ownership but also be contrary to First Amendment principles. Geller also contended that by its recent action amending the Communications Act to allow the award of diversity preferences in lotteries, Congress has made it clear that the diversification principle cannot be abandoned *solely* on the basis of increased marketplace competition.

10. Several parties suggested that the anomalous consequences produced by the rules could be mitigated through substantial modification or relaxation.[15] ABC and ALF recommended amending the specific contour overlap which currently triggers application of the rules. However, NTIA and Rand insisted that an alternative structure was necessary to ensure First Amendment diversity and economic competition and suggested the use of a flexible guideline to determine whether the grant of a new license or the transfer of an existing license would serve the public interest. Rand suggested adoption of the guideline used by the Department of Justice in evaluating proposed mergers. NTIA agreed, and recommended issuing a *Further Notice* on the guideline issue.

Reply Comments [16]

11. With one exception, discussed below, the reply comments generally reiterated the support expressed in the comments for elimination of the regional concentration of control provisions. NAB again stressed its contention that concentration of control, *per se*, as a potential antitrust violation, is properly within the province of DOJ's responsibilities. DOJ, however, qualified its role in this regard, asserting that deletion of the rule, which it favored, would not free the Commission of its obligation to review the possible anticompetitive effects of particular broadcast license transfers.[17] NCAB warned that a return to the case-by-case approach suggested by DOJ would only re-create the problems the "fixed" rule was designed to alleviate. They further noted that, in the past, case-by-case review had not produced a single instance of waiver under the rule.

12. Citizens alleged that the subject proceeding represents an attempt by the Commission to reverse its longstanding ownership policies without any evidentiary or analytical bases on which to ground such action. In its view, the Commission's suggestion that the current rule has produced arbitrary results does not warrant deleting the rule altogether since a more flexible approach to waivers could cure this deficiency. Moreover, Citizens argued that diligent enforcement of the rule has preserved diverse viewpoints on both regional and local levels and noted that the regional concentration of control provisions have not acted to bar group ownership but have simply restricted it within small geographic areas. Citizens also alleged that the *Notice* presented no evidence regarding ownership patterns and trends in regional markets.

[10] We also note that Rand submitted a study which found little or no evidence of anticompetitive behavior as a consequence of multiple station ownership.

[11] *See* comments of Charisma, Multimedia, NAB, Viacom and WPCB.

[12] *See* comments of Charisma, Multimedia, NAB and WPCB.

[13] *See* comments of Bahakel, NAB, NRBA, NCAB, DOJ and Viacom.

[14] Geller, however, concluded that the "one-to-a-market" and "duopoly" rules cannot effectively combat concentration arising out of multiple station ownership within a given geographic area.

[15] *See* comments of ALF, NTIA, and Rand.

[16] Reply comments were filed by: Department of Justice (DOJ); National Association of Broadcasters (NAB); North Carolina Association of Broadcasters (NCAB); and, Citizens Communications Center (Citizens) on behalf of itself and the National Conference of Black Lawyers, Communications Task Force, Black Citizens for a Fair Media, League of United Latin American Citizens, National Association for the Advancement of Colored People, National Association for Better Broadcasting and Telecommunications Research and Action Center.

[17] NAB contended that *United States* v. *F.C.C.*, 652 F.2d 72 (D.C. Cir. 1980), cited by DOJ, does not stand for the proposition that the Commission must consider competitive issues from an antitrust perspective.

In this connection, Citizens submitted its own study, based on five selected Areas of Dominant Influence (ADIs). It contended that the study indicates a trend toward increased ownership concentration despite a concurrent increase in the number of commercial broadcast stations and called for further investigation of this pattern. Finally, Citizens stressed that reliance on antitrust laws and local market rules alone will not adequately protect against the dangers posed by potential ownership combinations. The regional rules, Citizens argued, are the only provisions which preclude partial contour overlap between different broadcast services in local markets and, as such, are a critical means of ensuring the diversity of viewpoints that the First Amendment seeks to serve.

Discussion

13. The Commission has traditionally sought to further the dual goals of program service diversity and economic competition in the broadcast media [18] by encouraging diversity in the ownership of broadcast facilities.[19] To this end, we have adopted various rules limiting ownership of broadcast entities on a local, regional and national level. In devising these restrictions, we have necessarily undertaken to balance the costs and burdens of regulatory intervention in the form of ownership constraints against the need for and benefits of such action in furthering our ultimate objectives. The points of balance we have struck in this regard, however, vary depending on the nature of the market concerned. Thus, in local market situations, we historically have found the need for regulatory assurance of diversity and competition more intense because the broadcast facilities at issue speak to the same audience and compete directly with one another. Accordingly, the "duopoly" and "one-to-a-market" rules are extremely strict, essentially requiring absolute ownership diversity. On a regional level, however, where the threat of adverse diversity and competition effects has been considered less immediate, a degree of multiple ownership has been permitted. Bearing this distinction in mind, our reweighing of the costs and benefits of regional ownership limitations leads us to the conclusion that these restrictions are no longer warranted.

Need for the Rule

14. *Marketplace Developments.* The dramatic growth in the number and variety of media outlets in recent years is perhaps the most critical development underlying our conclusion that regulatory restraint of regional ownership patterns is no longer appropriate. In this regard, we note that as of January 31, 1984, Commission records show that there were 10,161 authorized radio stations (4,899 AM and 5,262 FM) and 1,425 authorized television stations representing increases of 19.5% and 38.5% in the number of radio and television stations, respectively, since the rule was adopted in 1977.[20] Moreover, as we pointed out in the *Notice*, these figures are likely to increase due to several rule making proceedings which seek to make more broadcast frequencies available. For example, our action in Docket No. 20642 permitting the shared use of Class I–A clear channel frequencies, may ultimately result in the creation of more than 100 new AM stations.[21] Similarly, we recently implemented our *Report and Order* in BC Docket 80–90 and proposed 684 new FM channels.[22] We expect that this will generate a tremendous number of counterproposals by the public and that by the end of this year we might allocate as many as 1,000 new FM channels.[23] Furthermore, we have already authorized approximately 440 new low power television stations and have approximately 30,000 applications pending for new LPTV stations. Hundreds of these applications will likely be granted this year as a result of the monthly lotteries which have been conducted since September 1983.

15. Program service diversity and economic competition have also been enhanced by the significant expansion of new media delivery systems. As we explained in the *Notice*, the growth in the cable television industry has been very rapid and substantial, with 5,600 CATV systems serving about 25 million subscribers as of January 1, 1983.[24] More recent data reveals that there are currently about 30.3 million basic cable subscribers and that cable now passes about 64.2% of all television households in the United States.[25] In addition, there are about 16,500 applications pending for systems in the new multichannel multipoint distribution service which may in effect create "wireless" cable television systems with eight channels per market. The *Notice* also pointed out that further competition can be expected from numerous entities authorized to provide direct broadcast satellite service, with each operator capable of providing up to ten channels of programming to all television households in the United States.[26] Finally, there is additional service available from satellite master antenna systems, which currently have between 100,000 to 150,000 subscribers and from conventional MDS systems, which now serve about 565,000 subscribers.[27]

16. *Impact of Markplace Developments.* In our view, this substantial rise in the multiplicity of media voices considerably attenuates both the diversity and economic competition justifications underlying our regulatory limitation of multiple ownership on the regional level. First, by increasing the total base of stations, it dilutes the relative significance of group ownership as a potential threat to adequate program service diversity in any given region. As noted above, our broadcast ownership restrictions were adopted at a time when the total number of stations was substantially less than exists today and the likelihood was

[18] These goals, in turn, rest on the First Amendment concern for ensuring the broad availability of "information from diverse and antagonistic sources," *Associated Press v. U.S.*, 326 U.S. 1, 10 (1945), and the long-standing concern with undue economic concentration in the broadcast industry expressed by Congress in enacting the Communications Act of 1934. *See Notice of Proposed Rule Making* in Gen. Docket No. 83–1009, 48 FR 49438, 49440 n.25, published October 25, 1983.

[19] *See, e.g., Report and Order* in Docket 8967, 18 FCC 288, 291–92 (1953); *First Report and Order* in Docket No. 18110, 22 FCC 2d 306, 307 (1970); and *First Report and Order* in Docket No. 20548, 63 FCC 2d 824, 827 (1977).

[20] By way of comparison, Commission records indicate that in 1977 there were 8,505 authorized radio stations (4,536 AM and 3,969 FM) and 1,029 television stations. *Notice of Proposed Rule Making* in MM Docket 84–19, 49 Fed Reg. at 2480 (1983). It is perhaps more appropriate, however, to compare current operating station levels with those in 1953, the year in which the Commission first codified the factors utilized in its subsequent case-by-case reviews of regional concentration issues. *See Report and Order* in Docket No. 8967, 18 FCC 2d 296 (1953). This comparison reveals that, in the period 1953 to 1983, the number of operating AM, FM and TV stations increased by approximately 92%, 561% and 466%, respectively. *Notice of Proposed Rule Making* in Gen. Docket No. 83–1009, 48 FR 49438, 49443 (October 25, 1983).

[21] *Report and Order* in Docket No. 20642, 78 FCC 2d 1345 (1980, *recon. denied*, 48 RR 2d 1077 (1980), *aff'd sub nom. Loyola University* v. *F.C.C.* 670 F.2d 1222 (D.C. Cir. 1982).

[22] *Report and Order* in MM Docket 84–231, 49 FR 11214, published March 26, 1984.

[23] *Id.* at para. 3.

[24] *Television Factbook*, 1982–83 edition, at 1560.

[25] Cablevision, February 27, 1984, at 86.

[26] Eight entities have already been authorized to provide DBS service. Seven additional applications were filed for DBS systems in January, 1984. Although DBS service is not scheduled to commence until 1986, at least one entity is currently providing "satellite-to-home" television programming to subscribers on the fixed satellite ban in several areas of the country. *See GTE Satellite Corporation*, 90 FCC 2d 1009 (1982), *recon. denied*, FCC 83–271, released June 23, 1983. Additionally, one of the DBS licensees is planning to provide a similar service on the fixed satellite band until its own DBS satellites are launched. *See* Application File No. 170–DSS–MP/ML–84.

[27] *Notice of Proposed Rule Making* in Gen. Docket 83–1009, 48 FR at 49443 (1983).

accordingly much greater that multiple ownership could confer considerable sway over public opinion. It was this very concern that primarily motivated adoption of our regional concentration of control provisions. In today's telecommunications marketplace, with its myriad voices, such an outcome appears to be highly unlikely.

17. Similarly, this growth in media outlets directly diminishes the likelihood that multiple ownership on a regional level might afford licensees sufficient economic power to permit anticompetitive behavior. As the number of alternative outlets rises, the capacity of any given level of group ownership to artificially restrict output and increase prices necessarily declines. Moreover, we agree with DOJ that market factors beyond the level of competing regional media suggest elimination of the regional concentration of control provisions will raise little risk of adverse competitive effects in broadcast markets. This is because the rule does not address economic concentration of broadcast stations in any market relevant to antitrust concerns. Specifically, stations compete with each other for advertising at national and/or local levels. DOJ found that "* * * advertisers do not generally view the different local markets in a region as good substitutes for each other. Stations in one city do not compete with stations in another city, such that advertisers would respond to a price increase in one city by shifting to advertising in another city." Similarly, program acquisition by stations occurs primarily on a national or local basis, making the regional ownership rules unnecessary for ensuring competition in the program acquisition market. Thus, the only significant competitive issue raised by the regional rule is the degree to which it may incidentally prevent some acquisitions of broadcast stations that serve substantially the same area and the compete directly in local markets.[28] DOJ noted, however, that the Commission's "duopoly" and "one-to-a-market" rules address most possible problems of concentration in local markets, and concluded that any competitive protection that might be afforded by the regional ownership limitations appears to be minimal.

18. Citizens contended, however, that the increasing number of media voices has not allayed the concerns underpinning the regional concentration of control provisions. In this connection, it submitted a limited, five market study which purports to show a trend toward increasing regional concentration. After analyzing this submission, we are not persuaded that it accurately reflects regional market conditions in terms relevant to our analysis in this proceeding. Moreover, even if we were to accept the study at face value, we do not believe that it supports the conclusion that the regional ownership restrictions of our rules should be retained. First, assuming that Citizens' market analysis is correct, diversity—defined as the number of independent voices (each multiple owner counting once)—has generally not been harmed in the markets reviewed. Of the five markets examined by Citizens, the number of independent voices declined only in Twin Falls, Idaho, and then only by one voice in ten years. In all other markets, the number of independent voices remained the same or increased during the study period. This was so because, even though the number of multiple owners rose and the average number of stations held by each multiple owner also rose, the increase in the number of broadcast outlets compensated for this change.

19. Perhaps most damaging, however, is Citizens' failure to include in its concentration analysis significant additional media outlets available to the public in the studied markets. By omitting noncommercial broadcast stations, for example, Citizens ignores the significant contribution to diversity that these entities make in the markets where they are available. Indeed, in three (Detroit, Rochester and San Diego) of the five markets studied by Citizens, there are three or more operating noncommercial broadcast stations (data from Broadcasting/Cablecasting Yearbook, 1983). Similarly, Citizens' study does not account for nonbroadcast outlets and the role these facilities play in enhancing the diversity of viewpoints available to the public. Cable television, for example, is available in each of the markets evaluated by Citizens, with penetration rates approximating 50% in three of the five markets (data from *Television Markets and Rankings Guide*, 1982–1983). Further, all of the studied markets except Great Falls, Montana, are served by MDS (data as of December 31, 1983, from Paul Kagan, *Multicast*, March 4, 1983). When these other media outlets are included, as is appropriate for our analysis, we find that the level of diversity in the studied markets has increased over time, not decreased as suggested by Citizens.[29]

20. *Effect of Other Multiple Ownership Limitations.* In reexamining the need for our regional concentration of control provisions, it is critically important to recognize that the Commission's other multiple ownership rules, particularly its local market restrictions, will continue to restrain group ownership, often more stringently, in many situations that would have been subject to the regional limitations. Moreover, this "overlap" of the local and regional rules most often occurs in "core market" areas, where our concern for diversity and economic competition is most intense.

21. Specifically, the "duopoly" rule prohibits the common ownership, operation, or control of two broadcast stations in the same service whose relevant contours overlap (*i.e.*, 1 mV/m contour for AM and FM stations, and Grade B contour for television stations).[30] Significantly, the "duopoly" rule is not limited in effect to a local area but also may prohibit the common ownership of two stations in excess of 100 miles apart depending upon the class of the station or size of its facilities.[31] In fact, because the "duopoly" contours may extend well beyond a station's community of license, they were originally objected to by the commenters in Docket No. 14711 as imposing "unrealistically wide separations between co-owned stations, the separations having little relation to the service actually rendered." [32] We further note that the "duopoly" contours are, with one exception,[33] the same as

[28] *See* DOJ comments, at 8. While DOJ does not exclude the theoretical possibility that regional concentration could enhance a multiple owner's power in a local market, it finds no evidence that this risk is significant.

[29] We also note that Citizens' study utilized Arbitron's "Area of Dominant Influence" as a basis for defining the markets it reviewed. The Commission has previously found that this approach presents serious difficulties in the context of analyzing regional concentration of control issues. *See First Report and Order* in Docket No. 20548, 63 FCC 2d 824, 828 (1977).

[30] Sections 73.35(a), 73.240(a)(1), and 73.636(a)(1) of the Commission's Rules.

[31] For example, the predicted Grade B contour of a television station, utilizing maximum facilities, may extend 60 to 80 miles. *See* §§ 73.614 and 73.683 of the Commission's Rules. Similarly, a Class C FM station with maximum facilities has a predicted 1 mV/m contour extending approximately 57 miles. *See Report and Order* in BC Docket 80-90, 94 FCC 2d 152, 183 (1983). Finally, a non-directional AM station at maximum facilities, using median frequencies and conductivities, as well as a quarter-wave antenna, may have a 1 mV/m service contour extending about 85 miles. *See* Section 73.184 of the Commission's Rules, graph 12.

[32] *Report and Order* in Docket 14711, 45 FCC 1476, 1483 (1964).

[33] The exception is for AM stations. The "duopoly" rule uses the 1 mV/m contour for AM stations while the regional concentration rule uses the 0.5 mV/m contour.

they are for the current "fixed" regional concentration rule, thus indicating some similarity in the scope of both rules. We believe that the often wide separations between commonly owned stations necessitated by these "duopoly" contours will continue to enhance diversity of voices and economic competition, and as a result, will act as an appropriate safety net in many instances.

22. Similarly, diversity and competition concerns in "cross-service" situations will remain the subject of the "one-to-a-market" rule which limits common ownership, operation, or control within a given market to one commercial AM–FM combination, or one commercial television station, or one daily newspaper.[34] In addition, our concerns with promoting diversity are served by the "diversification" criteria under which, is a comparative hearing between two or more applicants for a broadcast station, an advantage is given to the applicant with the least amount of other media interests.[35] Finally, we note that pursuant to the recently added Section 309(i)(3)(A) of the Communications Act, in those mass media services in which lotteries are used to select among competing applicants, a "significant" preference is granted to applicants that would increase diversification of ownership of the media of mass communications.[36]

Costs of Regional Ownership Limitations

23. Against the need for regional ownership restrictions as a means of ensuring diversity and economic competition, which we believe is strongly attenuated by the marketplace developments we have outlined above and by the continued applicability of our local market rules, we must balance the clear costs which these restraints involve. These include both administrative costs related to the substantial difficulties the Commission has encountered in devising a workable and administerable rule, and opportunity costs involving foregone service or economic efficiencies that might have contributed to our diversity and economic competition goals.

24. *Administrative Costs.* We explained at considerable length in the *Notice* the problems that have been presented by the current "fixed" rule in terms of its accuracy and consistency as a reliable indicator of concentration concerns.[37] We noted the severely anomalous results which it has precipitated and questioned, therefore, its continued viability. The commenting parties agreed nearly unanimously with our characterization of the "fixed" rule as an arbitrary and unworkable standard and nothing presented in the record herein persuades us to the contrary.[38]

25. The specific administrative costs produced by the arbitrary nature of the "fixed" rule are apparent from the filings of parties seeking waiver of its provisions. Such requests often focused on the failure of the "fixed" rule's simplistic "contour overlap" and "geographic proximity" criteria to consider such factors as the number of competing media outlets and the sizes or classes of stations involved. Thus, Commission resources were frequently devoted to analyzing detailed waiver requests in addition to the rule's explicit requirements. The only gain from this substantial administrative effort has been inconsistent and questionable case results. The rigid character of the "fixed" rule has also precipitated informal objections and petitions to deny in numerous cases where the rule did not technically apply, causing the Commission to substantively address the question of whether grant of a specific application would present regional concentration problems. *See, e.g., Millard V. Oakley,* 45 R.R. 2d 661 (1979); and *Acadian Television Corporation,* 51 R.R. 2d 743 (1982).

26. We also observed in the *Notice* that the *ad hoc* method of evaluating regional concentration issues, which the Commission utilized prior to adopting the "fixed" rule, had imposed substantial costs of its own.[39] For example, applicants often felt compelled to conduct extensive media surveys to convince the Commission that the public interest would be served by grant of their applications. The Commission's staff, in turn, expended a substantial amount of time in evaluating these studies, as well as subsequently filed amendments. The development of this media survey technique reflected the inherent unpredictability of the case-by-case approach and the generalized business uncertainty it produced for prospective broadcast applicants since, even though most applications were ultimately granted, parties were never sure of the significance attached to the various factors weighed by the Commission. Again, we can find no basis in the record to alter our initial view of this matter.[40]

27. *Opportunity Costs.* Our regional ownership rules also impose significant costs on the broadcast industry and, ultimately, on the public, which conflict with the rule's underlying purposes of promoting economic competition and diversity of voices. For example, an owner of a broadcast station may be precluded from improving its facilities, thereby reaching a larger audience, because the rule would be violated. In some instances, this has prevented a first daytime or nighttime service which itself would have served directly our diversity and competition objectives. *Piedmont Service Corporation,* 68 FCC 2d 992 (1978).

28. Of equal importance, regional ownership restrictions preclude broadcasters from realizing the potential public interest benefits from the multiple ownership of stations on a regional basis.[41] In particular, joint ownership

[34] *See* n.30, *supra.* An exception is provided for UHF television stations, applications for which are handled on a case-by-case basis. *See, e.g., Television Corporation of Virginia,* 69 FCC 2d 1161 (1978); and *Jersey Cape Broadcasting Corporation,* 85 FCC 2d 654 (1981), *recon. denied,* 89 FCC 2d 984 (1982). However, requests for waiver of the "one-to-a-market" rule involving VHF television stations and aural facilities have been granted only in extremely limited situations. *See, e.g., Combined Communications Corporation,* 21 R.R. 2d 441 (1971); and *United Artists Group,* 44 R.R. 2d 1637 (1978).

[35] *Policy Statement on Comparative Broadcast Hearings,* 1 FCC 2d 393, 394–95 (1965).

[36] As previously mentioned, this lottery mechanism is currently being used to grant applications in the low power television service. In particular, applicants whose owners in the aggregate hold 50% or more of the ownership interest in no other media of mass communications receive a preference of 2:1. Applicants whose principals own 50% or more of the ownership in one, two, or three other media of mass communications obtain a preference of 1.5:1. Sections 1.622(i)(2) and (3) of the Commission's Rules. *See also Second Report and Order* in Gen. Docket 81–768, 48 FR 27182, published June 13, 1983.

[37] *Notice of Proposed Rule Making* in MM Docket No. 84–19, 49 FR at 2481–82.

[38] Noting that all rules are arbitrary to some extent, Geller and Citizens argued that the anomalous results produced by the current rule are primarily a result of the Commission's inflexible approach to waiver of the rule's rigid "minimum distance" and "contour overlap" criteria. A more liberal waiver policy, they contended, would cure these deficiencies while retaining a workable rule. The problem with this argument is that it effectively requires a return to the case-by-case approach to regional concentration issues, the very mechanism that the Commission rejected as too unpredictable and burdensome when it adopted the "fixed" standard.

[39] *Notice of Proposed Rule Making* in MM Docket No. 84–19, 49 FR at 2479.

[40] Citizens suggested various alternative rule formulations as a substitute for outright repeal of the regional concentration of control provisions. Citizens offered no explanation, however, as to how these approaches might improve upon the difficulties we have found inherent in such rules.

[41] The comments submitted by S. Besen and L. Johnson, prepared for the Rand Corporation, evaluate empirical studies that attempt to determine the effect of multiple ownership in the broadcasting industry. While they state that the evidence is not definitive, these studies conclude that the economies to be derived from joint operation are not large. Besen and Johnson state, however, "* * * that in particular situations, substantial

Continued

may create operating efficiencies, or economies of scale, that lower the multiple owner's production costs and thus permit it to channel saved resources into other areas such as programming. This may result in the acquisition of better quality programming that has not been previously available in a given market. Furthermore, a multiple owner may have improved access to capital, thus enabling it to upgrade an existing broadcast facility or activate an allocation that has been unused for a long period of time. *See, e.g., Windmill Broadcasting Co.*, 44 R.R. 2d 475 (1978); and *Meyer Broadcasting Co.*, 42 R.R. 2d 339 (1978). A multiple owner may also have greater research and development capabilities and thereby increase the potential for technological innovation in the industry.

29. Similarly, the larger audience and advertising bases available to a multiple owner may enable such an entity to produce or to acquire programming that each station, acting separately, could not. For example, joint ownership may facilitate the creation of a regional newsgathering and public information capability, which could enhance service to the public. The economies generated by multiple ownership may even be sufficient to facilitate the creation of new regional networks, with the resources to provide programming of special regional interest. This programming may be of an informational, sports, or entertainment nature. Furthermore, the development of regional networking may foster competition with the established national television networks, which could be beneficial to the public.

Conclusion

30. We believe that the significant expansion in both broadcast and non-broadcast media voices documented herein substantially alters the delicate balance of competing interests that underlies the current regional concentration of control provisions. In our view, this development, taken together with the effectiveness of our other multiple ownership rules in preventing adverse diversity and economic competition effects in regional markets, convinces us that the clear costs associated with our regional ownership limitations are no longer warranted. Accordingly, we shall delete these provisions in their entirety.

gains in economic efficiency might result if groups were permitted to expand beyond current limits * * *. [The weight of existing evidence] does not necessarily mean that in all cases group ownership confers few economic benefits." Comment at 32.

31. Pursuant to the requirements of section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603, a final regulatory flexibility analysis has been prepared and is attached hereto as Appendix B.

32. Accordingly, it is ordered that, Part 73 of the Commission's Rules and Regulations is amended, effective June 7, 1984, as set forth in Appendix A.

33. It is further ordered that, the petition for reconsideration or clarification of the Commission's *Memorandum Opinion and Order* in Docket No. 20548, 67 FCC 2d 54 (1977), filed by Great Trails Broadcasting Corporation, is dismissed.[42]

34. It is further ordered that, this proceeding is terminated.

35. It is further ordered that, the Secretary shall cause this *Report and Order* to be printed in the FCC Reports.

36. Authority for the actions taken herein is contained in sections 4(i), 303(g) and (r) of the Communications Act of 1934, as amended.

37. For further information concerning this proceeding, contact Andrew J. Rhodes, Mass Media Bureau (202) 632-7792.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

47 CFR 73.3555 is amended by removing paragraph (e) and redesignating paragraph (f) as paragraph (e) and paragraph (g) as paragraph (f); by removing Note 7 in its entirety; and by revising paragraph (d) to read as follows:

§ 73.3555 Multiple Ownership.

* * * * *

(d) No license for an AM, FM, or TV broadcast station shall be granted to any party (including all parties under common control) if such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other broadcast station in the same service, if the grant of such license would result in a concentration of control of broadcasting in a manner inconsistent with the public interest, convenience, or necessity. The FCC, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven AM, seven FM, or seven TV broadcast stations (no more than five of which may be in the VHF band).

* * * * *

Appendix B—Final Regulatory Flexibility Analysis

I. Need for and Purpose of the Rule

The purpose of the Commission's regional ownership constraints has been to promote diversity of program service and economic competition on a regional basis by encouraging diversity in the ownership of broadcast facilities. However, due to the dramatic increase in the number of broadcast and other media outlets that has occurred in recent years, and the further growth in this area that is reasonably anticipated in the near future, the Commission has determined that such constraints are no longer necessary or appropriate to accomplish these goals. Specifically, the increase in the number of media outlets has diluted the potential influence of any single broadcaster and has resulted in greater economic competition. Additionally, regulatory restraint of regional ownership patterns has imposed significant administrative costs. The existing rule has proven arbitrary and inconsistent in its application, while the former *ad hoc* approach was highly unpredictable, creating great uncertainty among applicants and significant burdens for the Commission. Further, regional ownership restrictions impose appreciable opportunity costs. Such provisions, for example, can prevent the activation of unused allocations or the improvement of existing facilities which would provide greater diversity and economic competition. These restrictions can also preclude broadcasters from taking advantage of the economies of scale or operating efficiencies accruing from group ownership of stations on a regional basis. These foregone savings could be channeled into the acquisition or production of better programming or even the development of new regional networks which would benefit the public by increasing viewing or listening options. Finally, it is important to note that the Commission's local market ownership limitations—such as the

[42] Great Trails' petition, and responsive pleadings filed by Group One Broadcasting Co. and Lares Broadcasting Corp., raised questions concerning the AM-FM exception to the regional concentration of control provisions and the rights of stations "grandfathered" under these provisions to make changes in their facilities which would otherwise violate the rule. These pleadings were incorporated herein by the *Notice* in this proceeding, 49 FR 2479, 2480 (1984). In view of our action in this *Report and Order* eliminating the underlying regional concentration rule, Great Trails' petition and its associated pleadings are clearly moot.

"duopoly" and "one-to-a-market rules"—substantially overlap the regional concentration of control provisions and will continue to apply. Given these considerations, the benefits to be derived from continued regulation of regional ownership patterns no longer justify the costs associated with such provisions.

II. Flexibility Issues Raised in the Comments

The most significant regulatory flexibility issue raised in the comments was the impact that elimination of regional ownership restrictions would have on small entities that own and operate broadcast stations, particularly in small radio and television markets. In this regard, we do not believe that elimination of these provisions will result in adverse competitive effects on small entities. As the Department of Justice observed, regional ownership limitations do not operate in markets relevant to anticompetitive concerns. Specifically, stations compete for advertising revenue on local and national bases, which are not within the scope of the subject provisions. Consequently, elimination of these restraints will not affect competition within these local and national advertising markets. Similarly, the program acquisition market operates on local and national levels, making regional rules unnecessary to ensure competition in the purchasing of programming. Moreover, other Commission rules and policies will still be in place—including the "duopoly" and "one-to-a-market" rules—to ensure that in the relevant *local* markets, anticompetitive group ownership patterns potentially harmful to small broadcast entities do not develop. Finally, we note that elimination of the regional concentration of control provisions was supported by small broadcasters, as well as larger ones, who believe the rules are unnecessary and too costly.

III. Significant Alternatives Considered But Not Adopted

Two significant alternatives were considered. The first was to relax the rule by using smaller "contours" for measuring overlap. The second was to replace the rule with flexible guidelines as a basis for reviewing the proposed acquisition of broadcast stations. These alternatives were both rejected because no persuasive demonstration was made of a need for continued regulatory intervention that would justify the costs which these provisions would impose. Such costs include both the opportunity and administrative costs discussed above. With regard to administrative costs in particular, the first alternative does not appear appreciably different from the existing rule and would seem just as likely to produce arbitrary and inconsistent results, while the second alternative would again return us to a case-by-case approach, with its inherent uncertainty and substantial administrative burdens.

[FR Doc. 84-12428 Filed 5-8-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Parts 81, 83 and 87

Editorial Amendment of the Rules in the Maritime and Aviation Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document editorially amends various sections of the Commission's rules in the Aviation and Maritime Services. It deletes obsolete language, clarifies vague wording, corrects errors, and makes other minor editorial changes. This action was undertaken to update the existing rules. This action is intended to simplify the rules and delete outdated provisions.

EFFECTIVE DATE: April 24, 1984.

FOR FURTHER INFORMATION CONTACT: Richard Feser, Private Radio Bureau, (202) 632-7175.

List of Subjects in 47 CFR Parts 81, 83, and 87

Radio.

Order

In the matter of editorial amendment of Parts 81, 83, and 87 of the rules.

Adopted: April 20, 1984.
Released: April 24, 1984.

1. We are editorially amending a number of sections of Parts 81, 83, and 87 of the Commission's rules to delete obsolete language and sections, to clarify unclear language to make minor editorial changes, and to correct errors. The affected sections are: §§ 81.5, 81.131, 81.356, 81.623, 83.151, 83.155, 83.322, 83.353, 83.359, 83.365, 83.446, 83.484, 87.5, 87.251, 87.437.

2. Authority for this action is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r) and § 0.231(d) of the Commission's rules. Since the amendment is editorial in nature, the public notice, procedure, and effective date provisions of 5 U.S.C. 553 do not apply.

3. Regarding questions on matters covered in this document contact Richard Feser, telephone (202) 632-7175.

4. In view of the above, it is ordered, That the rule amendments set forth in the attached Appendix are adopted effective April 24, 1984.

Federal Communications Commission.

Edward J. Minkel,

Managing Director.

Appendix

Parts 81, 83, and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

§ 81.5 [Amended]

1. In § 81.5 paragraphs (f) and (g) are removed.

2. In § 81.131, the introductory text of paragraph (b) is revised to read as follows:

§ 81.131 Authorized frequency tolerance.

* * * * *

(b) Authorized frequency tolerances for coast stations operating on frequencies below 30 MHz and for marine utility stations:

* * * * *

3. In § 81.356 the heading for the table of frequencies in paragraph (a) is revised to read as follows:

§ 81.356 Assignable frequencies in the band 156-162 MHz.

(a) * * *

Channel designator	Frequency (MHz)		Points of communication	Conditions of use
	Coast	Ship		

* * * * *

§ 81.623 [Amended]

4. In § 81.623 paragraph (b) is removed.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. Section 83.151, including the heading, is revised to read as follows:

§ 83.151 Classification of operator licenses.

(a) The classes of commercial radio operator authorizations for the Maritime Services issued by the Commission are as follows:

(1) First Class Radiotelegraph Operator License.

(2) Second Class Radiotelegraph Operator License.

(3) Third Class Radiotelegraph Operator License.

(4) General Radiotelephone Operator License.

(5) Marine Radio Operator Permit.

(6) Restricted Radiotelephone Operator Permit.

(b) The following license endorsements are affixed by the Commission to provide special authorizations or restrictions.

(1) Ship radar endorsement (First and Second Class Radiotelegraph Operator Certificates, General Radiotelephone Operator License).

(2) Six months service endorsement (First and Second Class Radiotelegraph Operator Certificates).

§ 83.155 [Amended]

2. In § 83.155, paragraph (c) the third line is corrected by changing the word "or" to "of" after "Part II".

§ 83.322 [Amended]

3. In § 83.322(a), the third word in the second sentence "sued" is corrected to read "used".

§ 83.353 [Amended]

4. In § 83.353, paragraph (d) is amended by changing the last two words to read "these frequencies" instead of "this frequency".

§ 83.359 [Amended]

5. In § 83.359, paragraph (a) is amended at Channel 63, listed under the sub-heading Port Operations and Commercial, to read "156.175" in the "ship" column, instead of "156.075".

§ 83.365 [Amended]

6. In § 83.365 paragraph (a)(4) is amended by adding a comma after the word "practicable", changing the word "safely" to "safety" in the third sentence and changing the frequency shown in line 11 to read 2182 kHz instead of 2162 kHz.

§ 83.446 [Amended]

7. In § 83.446 paragraph (a)(3) is amended by changing the rule section at the end of the paragraph to read "83.553" instead of "83.533".

8. Section 83.484 is amended by revising paragraph (h) to read as follows:

§ 83.484 Radiotelephone transmitter.

* * * * *

(h) The automatic device for generating the radiotelephone alarm signal shall be tested weekly on frequencies other than the radiotelephone distress frequency using an artificial antenna.

PART 87—AVIATION SERVICES

1. Section 87.5 is amended to revise the definition of "Ground radio station":

§ 87.5 Definition of terms.

* * * * *

Ground radio station. Any radio station on the ground, except for Civil Air Patrol stations, equipped or engaged in radiocommunication or radio transmission of energy.

* * * * *

§ 87.251 [Amended]

2. In § 87.251 paragraph (c) is amended by substituting the word "not" for the word "no" in the third sentence before the words "introduce a safety hazard".

§ 87.437 [Amended]

3. In § 87.437 paragraph (a) is amended by adding an "s" to the first word in the first sentence to read "Transmissions".

Subpart P—[Corrected]

4. The heading for Subpart P is revised to read: "Radionavigation Land Test Stations".

[FR Doc. 84-12432 Filed 5-8-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 250

Fisheries Loan Fund Procedures; Available Fisheries Loans and Open Season for Applications

Correction

In FR Doc. 84-11296 beginning on page 18072 in the issue of Thursday, April 26, 1984, make the following correction on the Separate Part Cover on page 18071, the page preceding the document: Remove "; Final Rule" from subject caption.

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 49, No. 91
Wednesday, May 9, 1984

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

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 812 3106]

Peabody Barnes, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a Mansfield, Ohio manufacturer and seller of sump and sewage pumps and pump systems, among other things, to cease offering a warranty whose duration is measured from the date of manufacture, unless the warranty coverage extends for 3 years from the date of manufacture, or the company clearly discloses in the warranty either: the date the product was manufactured, or an explanation as to how a customer can discover the date of manufacture. Any representation that a product's warranty coverage runs for a certain length of time would be prohibited, unless the warranty will actually be in effect for that period. The order would also require the manufacturer to treat every claim for warranty service made within 12 months of installation as timely, regardless of the product's date of manufacture, if the warranty document is not in compliance with this order; issue warranties that comply with the Magnuson-Moss Warranty Act; and send a notice explaining the revision and changes in the company's warranty policy and documents to it dealers and distributors.

DATE: Comments must be received on or before July 9, 1984.

ADDRESS: Comments should be directed to: FTC/S, Office of the Secretary, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PM, Christopher R. Brewster, Washington, D.C. 20580, (202) 523–1642.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Pump systems, Trade practices.

In the matter of Peabody Barnes, Inc., a corporation; File No. 812 3106, agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Peabody Barnes, Inc., a corporation, and it now appearing that Peabody Barnes, Inc. ("proposed respondent"), is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Peabody Barnes, Inc., by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Peabody Barnes, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Ohio, with its office and principal place of business located at 1651 North Main Street, Mansfield, Ohio 44902.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

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

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event the Commission will take such action as it may consider appropriate, or the Commission may issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order

contemplated hereby. It understands that once the order has been issued it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondent Peabody Barnes, Inc., a corporation, its successors and assigns, and respondent's officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the offering for sale, sale or distribution of any pump or pump system in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Offering on any such pump or pump system a warranty whose duration is measured from date of manufacture, unless:

1. The period measured from date of manufacture is at least 36 months, and

2. Respondent discloses clearly and conspicuously in the warranty document either:

a. The date of manufacture of the item warranted, or

b. An explanation of how a customer can discover the date of manufacture from a simple visual inspection of the item, exclusive of packaging.

B. Representing, directly or by implication, that a warranty on any such pump or pump system runs for a certain period (e.g., by calling it a one-year warranty), unless the warranty on that item will actually be in effect for that period (beginning on the date of sale or installation of the item, unless the representation clearly and conspicuously states otherwise).

II

It is further ordered that respondent, its successors and assigns, and respondent's officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the offering for sale, sale or distribution of any pump or pump system in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, shall treat every claim for warranty service made within 12 months of installation as timely, regardless of the date of manufacture, for any such pump or pump system sold by respondent prior to the date of service of this order with a warranty document not in compliance with this order.

III

The definitions contained in section 101 of the Magnuson-Moss Warranty Act (15 U.S.C. 2301) shall apply to the terms used in this Part.

It is further ordered that respondent, its successors and assigns, and respondent's officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the offering for sale, sale or distribution of any consumer product in or affecting commerce, do forthwith cease and desist from:

A. In any written warranty, disclaiming any implied warranty, or modifying any implied warranty in a manner prohibited by section 108 of the Magnuson-Moss Warranty Act (15 U.S.C. 2308);

B. In any written warranty to which the rule on Disclosure of Written Consumer Product Warranty Terms and Conditions (16 CFR Part 701) applies, failing to make all disclosures required by that rule, in the manner and form specified therein, and as that rule may be amended, including, but not limited to, all disclosures reqired by §§ 701.3(a)(8) and 701.3(a)(9) of that rule.

IV

It is further ordered that, within 30 days after the date of service of this order respondent shall provide notice in writing to all current dealers and distributors of any of respondent's products who are known to respondent, as follows:

A. An explanation of revisions in the current warranty documents made to comply with Parts I.A., III.A, and III.B of this order. In regard to Part III.A of this order, the notice shall briefly explain that respondent's warranty no longer contains a disclaimer of implied warranties; that respondent recognizes that in some cases customers may have rights in addition to those in the written warranty; and that if a dealer or distributor believes a situation may call for assistance beyond the written warranty terms, or if a customer requests such assistance, the matter should be referred for its consideration.

B. A statement that respondent will honor valid warranty claims for one year after installation, regardless of date of manufacture, for any product distributed prior to the date of service of this order with an unrevised warranty document.

C. An instruction that dealers and distributors refrain from stating or implying that respondent's warranty on any pump or pump system runs for a certain period (e.g., by calling it a one-year warranty), unless the warranty on the item will actually be in effect for that period (beginning on that date of sale or installation of the item, unless the representation clearly and conspicuously states otherwise).

V

It is further ordered that respondent shall distribute a copy of this order to all of respondent's divisions and to all present and future personnel, agents or representatives of respondent having responsibilities with respect to the subject matter of this order.

VI

It is further ordered that respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

VI

It is further ordered that respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Analysis of Proposed Consent, Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Peabody Barnes, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Peabody Barnes, Inc. (Peabody) is a leading manufacturer of sump pumps, sewage pumps, and other pumps and pump systems, both for commercial and for residential use. The complaint and proposed consent order concern the written warranties that Peabody offers with its products.

According to the complaint, Peabody offers written warranties on most

products that run for one year from installation or eighteen months from manufacture, whichever comes first. The complaint alleges that Peabody fails to disclose the date of manufacture, so that customers cannot tell for how long, or even if, any particular product is under warranty. The complaint also alleges that Peabody misrepresents that it provides buyers with a one-year warranty, but that a substantial number of products are sold with less than a year of coverage, or no coverage at all, under the warranty.

The complaint also alleges that Peabody's written warranties used for consumer products contain disclaimers of implied warranties, and fail to contain information about state law warranty rights, in violation of the Magnuson-Moss Warranty Act.

The proposed order would prohibit Peabody from using date of manufacture to calculate warranty duration, unless the period from date of manufacture is at least three years. This change should result in nearly all buyers receiving warranty coverage for one year after purchase, as expected. This approach is in lieu of attempting to ensure customer awareness that the warranty accompanying a product may have partly or completely expired before purchase.

Peabody would also be required to disclose in its warranty materials either a product's date of manufacture, or an explanation of how to discover that date from the serial number in those instances in which the warranty offered is tied to the date of manufacture. In these circumstances, the Commission believes that informing consumers of the warranty's duration through a coded date in the serial number together with an explanation of how to read the code would be an adequate means of disclosure. Comment is solicited on the effectiveness of this approach and the feasibility of other approaches. The Company would also be prohibited under the order from misrepresenting the duration of its warranties.

The order would also require Peabody to honor warranties now outstanding without regard to the clause limiting their duration to eighteen months from date of manufacture. In addition, Peabody would revise its warranty to bring it into compliance with the Warranty Act. Peabody would send notices to its distributors and dealers explaining these changes in its warranty policy and documents.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

Dissenting Statement of Commissioner Pertschuk in Peabody Barnes, Inc.

I am voting against this consent agreement because it fails to adequately address the fundamental problem with respondent's marketing practices. Staff initiated this investigation because Peabody failed to disclose the terms of its warranty. While the warranty disclosed that it ran for a period of one year from purchase, or eighteen months from manufacture, whichever came first, consumers had no way to determine the date of manufacture. Thus, consumers *could not* determine warranty duration before sale. The evidence demonstrates that 73 percent of Peabody's pumps were sold with less than one year of warranty coverage, and 14 percent were sold with *no* warranty whatsoever.

To settle the charges that Peabody offered a deceptive warranty and failed to disclose a material term in its warranty, the Commission has accepted a settlement under which consumers still will not be able to determine the length of warranty coverage before the time of sale, and will encounter a complicated code in order to determine it after sale. I would reject this consent and instruct staff to negotiate an agreement which at a minimum permits consumers to determine the duration of the warranty before the time of sale.

[FR Doc. 84-12475 Filed 5-8-84; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 4 and 12

[Docket No. RM83-56-000]

Application for License, Permit, and Exemption From Licensing for Water Power Projects; Extension of Time for Comments

May 4, 1984.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking; extension of comment period.

SUMMARY: On February 24, 1984, the Commission issued a Notice of Proposed Rulemaking involving applications for license, preliminary permit, and exemption from licensing for water power projects (49 FR 8009, March 5, 1984). The comment period is being extended at the request of the United States Environmental Protection Agency.

DATE: Comments must be submitted on or before May 14, 1984.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20425.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, 202-357-8400.

On May 3, 1984, the United States Environmental Protection Agency (EPA) filed a motion for an extension of time to file comments in response to the Commission's Notice of Proposed Rulemaking issued February 24, 1984, in the above-docketed proceeding. The motion states that the EPA requires additional time to review and examine the proposed amendments to the Commission's regulations.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including May 14, 1984.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12532 Filed 5-8-84; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 2585-3]

Approval and Promulgation of Implementation Plans of Connecticut; Alternative Emission Reductions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan revisions submitted by the State of Connecticut. These revisions include an amendment to Connecticut's generic bubble regulation for volatile organic compounds allowing additional sources to comply with applicable emission limitations by bubbling. The intended effect of this action is to propose approval of the State's request to expand the scope of its generic bubble regulation. This action is being taken in accordance with Section 110 of the Clean Air Act. EPA is also proposing to disapprove a separate revision to Connecticut's generic bubble regulation.

DATES: Comments must be received on or before June 8, 1984.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2313, JFK Federal Bldg., Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2313, JFK Federal Bldg., Boston, MA 02203 and the Department of Environmental Protection, State Offie Bldg., Hartford, CT 06162.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, (617) 223–4868, FTS 223–4868.

SUPPLEMENTARY INFORMATION: On September 19, 1983 the Connecticut Department of Environmental Protection (DEP) submitted revisions to its State Implementation Plan (SIP). The revisions include amendments to Connecticut Regulation 19–508–20(cc), "Alternative Emission Reductions." This regulation is more commonly referred to as Connecticut's generic volatile organic compound (VOC) bubble regulation. EPA originally approved Connecticut's generic VOC bubble regulation on June 7, 1982 (47 FR 24552).

The revisions submitted on September 19, 1983 add two regulations to the list of those Connecticut VOC regulations that may be met by bubbling. EPA is proposing to approve the addition of one of the regulations and to disapprove the addition of the other.

As part of its 1982 SIP revision for attainment of the National Ambient Air Quality Standard (NAAQS) for ozone, Connecticut adopted Regulation 19–508–20(ee). This regulation requires all stationary sources with actual VOC emissions equal to 100 tons per year (TPY) or more to employ reasonably available control technology (RACT) unless already subject to RACT under SIP regulations specific to their source categories.

Sources subject to Connecticut Regulation 19–508–20(ee) must have RACT defined and imposed on a case by case basis. Once RACT has been determined for a subject source, it must be submitted and approved as a revision to the SIP. Only after EPA has completed rulemaking approving a RACT determination may a source be issued a generic bubble order by the State of Connecticut under 19–508–20(cc). This sequence of events is necessary to insure federal enforceability of both the RACT level and any bubble designed to comply with that RACT level.

Under the current federally-approved version of 19–508–20(cc), VOC sources subject to Connecticut Regulations 19–508–20(m), can coating; (n), coil coating; (o), fabric and vinyl coating; (p), metal furniture coating; (q), paper coating; (r), wire coating; (s), miscellaneous metal parts; (t), manufacture of synthesized pharmaceutical products and (v), graphic arts-rotogravure and flexograpy may apply to meet applicable SIP emission limits by bubbling.

EPA is today proposing to expand the scope of Connecticut's generic bubble regulation to allow sources subject to 19–508–20(ee) to comply with SIP requirements by bubble control strategies.

We are also proposing to approve revisions which require sources subject to 19–508–20(ee) to comply with 19–508–20(aa), (bb), and (dd). Subsections (aa), (bb), and (dd) are the applicability, compliance methods, and afterburner usage provisions of 19–508–20, respectively.

Connecticut has also revised 19–508–20(cc) to add Regulation 19–508–20(1) to the list of VOC regulations that may be met by bubbling. 19–508–20(1) requires RACT on solvent metal degreasers.

In contrast to RACT-level emissions from Connecticut 100 TPY sources likely to come under Regulation 19–508–20(cc), RACT-level emissions from solvent metal degreasing operations are often not technically feasible to quantify in a replicable manner, because RACT on such sources involves the use of appropriate work practice standards and the installation of safety switches. Under EAP policy, emission reductions necessary for use as credits in a bubble control strategy must be quantifiable (See 47 FR I5077–78 (April 7, 1982)). Further, procedures for evaluating bubbles under generic rules must be replicable. Therefore, EPA is proposing to disapprove the addition of 19–508–20(1) to the list of VOC regulations that may be met under 19–508–20(cc), Connecticut's generic bubble regulation. Bubbles designed by solvent metal degreasers must be reviewed and approved by EPA as source-specific revisions to the SIP.

As stated in EPA's original approval of Connecticut's generic bubble regulation (47 FR 24552), plant owners may propose emission limits different from those specified in the SIP so long as on a solids-applied basis emissions for the plant are equivalent to or below RACT-required levels. In accordance with EPA policy, Connecticut may approve bubbles under 19–508–2(cc) which demonstrate equivalency to RACT-required levels, as described above, on a plantwide daily weighted average basis (averaging times not to exceed 24 hours). Bubbles with averaging times longer than 24 hours must still be submitted as source-specific SIP revisions.

Bubble orders issued by the Connecticut DEP in accordance with EPA's approval of 19–508–20(cc) need not be submitted as individual SIP revisions.

Proposed Action

EPA is proposing to approve a revision to Connecticut Regulation 19–508–20(cc), "Alternative Emission Reductions", which adds Regulation 19–508–20(ee) to the list of VOC regulations that may be met by bubbling. EPA is also proposing to approve revisions which require sources subject to 19–508–20(ee) to comply with 19–508–20(aa), (bb), and (dd). EPA is proposing to disapprove a revision to Regulation 19–508–20(cc) which adds regulation 19–508–210(1) to the list of VOC regulation.

Under 5 U.S.C. Section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

The disapproval action taken by this rulemaking will not have a significant economic impact on a substantial number of small entities. Emission trades such as bubbles are undertaken by sources on a voluntary basis, and are not mandated by the clean Air Act. Although not approved to trade under Connecticuts' Generic Bubble rule, solvent metal degreasers may be approved to emission trade by source-specific revision to the SIP.

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

The Administrator's decision to approve or disapprove the plan revisions will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

List of Subjects in 40 CFR Part 52

Air Pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: March 2, 1984.

Paul Keough,

Acting Regional Administrator, Region I.

[FR Doc. 84–12509 Filed 5–8–84; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 2F2690/P342; PH-FRL 2582-3]

Dicamba; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that tolerances be established for residues of the herbicide dicamba in or on soybeans to 0.05 part per million (ppm), soybean forage at 0.1 ppm, and soybean hay at 0.1 ppm. This proposed regulation to establish maximum permissible levels for residues of dicamba in or on the commodities was requested pursuant to a petition by Velsicol Chemical Corp.

DATE: Written comments must be received on or before June 8, 1984.

ADDRESS: By mail, submit written comments identified by the document control number [PP 2F2690/P342] to:

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, deliver comments to:

Information Services Section (TS–757C), Rm. 236, CM #2, Environmental Protection Agency, 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" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked "confidential" may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of August 11, 1982 (47 FR 34851), which announced that Velsicol Chemical Corp., 341 East Ohio St., Chicago, IL, had filed pesticide petition 2F2690 with the EPA. This petition proposed the establishment of tolerances for residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) in or on the raw agricultural commodities soybeans at 0.01 part per million (ppm) and soybean forage at 0.06 ppm.

The petitioner subsequently amended the petition to propose the establishment of tolerances for residues of dicamba and its metabolite 3,6-dichloro-2-hydroxybenzoic acid in or on the raw agricultural commodities soybeans at 0.05 ppm, soybean forage at 0.1 ppm, and soybean hay at 0.1 ppm. Because of the amendment increasing tolerances, these tolerances are being proposed at this time to allow for public comment.

No comments were received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicology data considered in support of the proposed tolerances include several acute studies, a teratology study (rabbit) with a no-observed-effect level (NOEL) of 10 milligrams/kilogram/day (mg/kg/day); a teratology study (rat) with a NOEL of 160 mg/kg; a 3-generation reproduction study (rat) with a NOEL of 500 ppm (25 mg/kg/day); and a 90-day feeding study (rat) with a NOEL of 50 ppm (25 mg/kg/day).

The provisional daily intake (PADI) based on the 90-day feeding study (rat) (NOEL of 25 mg/kg/day) and using a 2,000-fold safety factor is calculated to be 0.0125 mg/kg/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 0.75 mg/day. The theoretical maximum residue contribution (TMRC) for existing tolerances for a 1.5-kg diet is calculated to be 0.2740 mg/day, which utilizes 36.53 percent of the ADI. The current action will add 0.00069 to the TMRC and utilize .092 percent of the ADI. Other proposed but unapproved tolerances will utilize 0.94 percent of the ADI.

Data currently lacking are a 90-day feeding study (nonrodent), a 90-day inhalation study (rat), chronic feeding/oncogenicity studies in two species, and mutagenicity data (multitest evidence). The agency has required, and the company has agreed to perform, the studies.

The nature of the residues is adequately understood, and an adequate analytical method, gas chromatography with an electron capture detector, is available for enforcement purposes. There are currently no actions pending against the continued registration of this chemical. Residues are likely to occur in meat and milk, but the residues should be adequately covered by the tolerances for these commodities. There is no reasonable expectation of residues occurring in poultry and eggs from this use.

Chemical analyses of dicamba indicate that certain formulations may contain low levels of dimethyl-*N*-nitrosoamine (DMNA) as an impurity. Laboratory studies have shown that DMNA is carcinogenic in test animals. Therefore, although dicamba itself has not been shown to be oncogenic, the potential risk from the DMNA impurity must be considered.

The Agency has evaluated pertinent toxicology and residue information and has concluded that the potential oncogenic risk from any DMNA impurity in the dicamba to be used on soybeans is very low. Even assuming a maximum theoretical residue level of DMNA in soybeans and that all soybeans in the diet are contaminated with DMNA, the potential oncogenic risk is estimated to be in the 10^{-8} range, well below the Agency's 10^{-6} action level for nitrosoamines. *See* "Pesticides Contaminated with *N*-nitroso Compounds; Proposed Policy," 45 FR 42854 (June 25, 1980).

Based on the above information considered by the Agency, the tolerances established by amending 40 CFR 180.227 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 2F2690/P342]. All written comments filed in response to these petitions will be available in the product manager's office, Registration Division, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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 procedures, Agricultural commodities, Pesticides and pests.

Dated: April 27, 1984.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.227(b) be amended in the table by alphabetically adding and inserting the following raw agricultural commodities, to read as follows:

§ 180.227 Dicamba; tolerances for residues.

* * * * *

(b) * * *

Commodities	Parts per million
* * * * *	
Soybeans	0.05
Soybean, forage	0.1
Soybean, hay	0.1

[FR Doc. 84–12210 Filed 5–8–84; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 2E2738/P336; PH–FRL 2566–3]

Diflubenzuron; Proposed Tolerance

Correction

In FR Doc. 84–10347, beginning on page 15232, in the issue of Wednesday, April 18, 1984, on page 15233, in the first column, under supplementary information, in the third paragraph, in the nineteenth line, "with TA–100" should read "with TA–98, TA–100".

BILLING CODE 1505–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR CHAPTER I

[CC Docket No. 80–170; FCC 84–151]

Proposed Modifications of the Commission's Authorized User Policy Concerning Access to the International Satellite Services of the Communications Satellite Corporation

AGENCY: Federal Communications Commission.

ACTION: Further Notice of Proposed Rulemaking.

SUMMARY: By this action the Commission puts out for comment its proposal to adopt a policy allowing the Communications Satellite Corporation (Comsat) to provide basic satellite transmission capacity directly to users at U.S. earth stations operating with the INTELSAT global satellite system and, through a separate corporate subsidiary, to seek authorization to provide end-to-end international communications services. The Commission also requests comment on the relationship to this policy proposal of its March 30, 1984, actions in its Direct Access Inquiry, FCC 84–129 (CC Docket No. 82–548), denying proposals of various entities for direct access to INTELSAT, and its March 30, 1984, action in its Earth Station Ownership Inquiry, FCC 84–122 (CC Docket No. 82–540), initiating a rulemaking looking toward adoption of a policy allowing U.S. international service carriers to own their own international satellite earth stations.

This action is taken to comply with a direction of the United States Court of Appeals for the D.C. Circuit in ITT World Communications v. FCC, to consider the impact of the Direct Access and Earth Station Ownership issues on the Commission's proposal to allow Comsat broader direct public operations. The intended effect of the policy, if finally adopted, is to make the provision of international satellite communications service more competitive, enhancing customer choice and keeping rates as low as possible.

DATES: Comments should be filed on or before June 29, 1984, and reply comments on or before July 23, 1984.

ADDRESS: Comments and reply comments to this Notice should be submitted to: The Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John F. Copes, International Policy Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632–4047.

Further Notice of Proposed Rulemaking

In the Matter of Proposed Modifications of the Commission's Authorized User Policy concerning Access to the International Satellite Services of the Communications Satellite Corporation; CC Docket No. 80–170.

Adopted: April 11, 1984.

Released: April 30, 1984.

By the Commission.

1. On January 13, 1984, the United States Court of Appeals for the D.C. Circuit [1] vacated and remanded our August 19, 1982, Report and Order in the above-captioned proceeding.[2] In taking its action the court found that we had "abused our discretion" in deciding our *Authorized User II* policy prior to considering the *Direct Access* [3] and *Earth Station Ownership* [4] inquiries. The court noted that we had failed to consider the effect of various direct access and Earth station ownership proposals on our policy goal stated in *Authorized User II* of promoting intermodal competition.

2. However, the court did find that, as a matter of law, we have the power under the Communications Satellite Act of 1962, 47 U.S.C. 7701–44 (1976), to designate who may take service directly from the Communications Satellite Corporation (Comsat). The court further held that the Satellite Act gives us power to allow non-communications common carriers to lease satellite circuits directly from Comsat "so long as [such direct service] furthers the public interests. . . ." *ITT World Communications Inc. v. FCC*, No. 79–1046, slip opin. at 29–30 (D.C. Cir. 1984).

3. In our *Authorized User II* decision we had found that public interest would be served by a policy allowing Comsat to provide basic transmission capacity directly to users at U.S. international satellite Earth stations under the same terms and at the same rates now applicable to common carriers. Under our 1966 *Authorized User* policy, we hac limited Comsat to the role of a "carrier's

[1] *See* ITT World Communications Inc. v. FCC, No 79–1046 (D.C. Cir. Jan. 13, 1984).

[2] *See* Proposed Modifications of the Commission' Authorized User Policy Concerning Access to the International Satellite Services of the Communications Satellite Corporation, 90 FCC 2d 1394 (1982) (hereafter, Authorized User II), *reversin* Authorized Users and Authorized Entities, 4 FCC 2 421 (1966), *reconsideration granted in part* 6 FCC 2 593 (1967). *See also* Aeronautical Radio, Inc., 77 FCC 535 (1980).

[3] Regulatory Policies Concerning Direct Access t INTELSAT Space Segment for the U.S. Internationa Service Carriers, 90 FCC 2d 1446 (1982) (Notice of Inquiry in CC Docket No. 82–548.)

[4] Modification of policy on ownership and operation of U.S. Earth stations that operate with the INTELSAT global communications satellite system, 90 FCC 2d 1458 (1982) (Notice of Inquiry in CC Docket No. 82–540.)

carrier" providing satellite circuits solely to common carriers except under unique or exceptional circumstances. *See* 4 FCC 2d at 436. We also proposed to allow Comsat, through a separate corporate subsidiary, to seek authorization as a common carrier to provide international, end-to-end, communications services. The existing international communications carriers had argued that we could not adopt our proposed authorized user policy unless we simultaneously granted them direct access to INTELSAT and the right to build their own Earth stations. We, however, concluded that our proposed, modified authorized use policy was separate from either of those other policies and that it could be implemented without action on direct access or Earth station ownership. We also found, however, that the carriers direct access and earth station ownership proposals might be beneficial on their own merits and that they should be pursued independently. The Court of Appeals, however, disagreed with our conclusion and directed us to resolve the *Direct Access* and *Earth Station Ownership* proceedings before implementing our proposed *Authorized User II* policy.[5]

4. The *Direct Access* inquiry considers request by the international service carriers for some form of direct "access" to the INTELSAT space segment. In their filings in *Direct Access* the carriers seek the right to acquire INTELSAT satellite circuits from Comsat on either a capitalized lease or indefeasible right of user (IRU) basis. The *Earth Station Ownership* inquiry concerns requests by various international service carriers to own and operate their own satellite earth stations to operate with the INTELSAT satellite system outside of the Earth Station Ownership Committee (ESOC). At the time we were considering our modified *Authorized User II* policy the proponents of the direct access and earth station ownership policies asserted that these two issues were inextricably related to our proposal to broaden the class of users who may take service from Comsat. They thus argued that they would be unable to compete with Comsat under our revised *Authorized User II* policy unless we granted them the right to obtain satellite circuits from INTELSAT directly and to own their own earth stations. The proponents saw the need for the Commission to decide the direct access and earth station ownership issues concurrently with *Authorized User II* and also to condition the revised policy upon a favorable action on both those issues.

5. On March 30, 1984, we adopted a Report and Order in our *Direct Access* inquiry, FCC 84–129, — FCC 2d—, in which we concluded that the proponents of direct access had not made a sufficient case to proceed further with their proposals and terminated the proceeding. Also on March 30, 1984, we adopted a Notice of Proposed Rulemaking in *Earth Station Ownership*, FCC 84–122, — FCC 2d, —, in which we tentatively concluded that allowing U.S. carriers to own and operate their own earth stations may increase efficiency and reduce the cost to end users of satellite services. As a result, we then put out for public comment a proposed, more flexible policy allowing independent carrier ownership of U.S. earth stations and providing for disposition of the current carrier and Comsat investment in ESOC.

6. In view of our action in those proceedings, and the instruction of the court of appeals, we here request further comments from interested persons upon the impact our actions in the *Direct Access* and *ESOC* inquiries may have on our decision to modify our 1966 authorized user policy. We emphasize that we are seeking comment on only a narrow question: the effect our recent actions in *Direct Access* and *Earth Station Ownership*, will have on the competitive impact of our proposed *Authorized User II* policy. For purposes of the comments, respondents should assume that we still favor a policy allowing users to lease "basic transmission capacity" directly from Comsat at U.S. earth stations and allowing Comsat, through a separate corporate subsidiary, to seek authorization under Section 214 of the Communications Act of 1934, 47 U.S.C. 214 (1976), to provide end-to-end international services. Respondents should also assume for the purposes of the comments requested here that we shall adopt some form of broadened earth station ownership policy as proposed in our *ESOC* Notice of Proposed Rulemaking. We emphasize, however, that those assumptions are solely for the purpose of framing comments in this proceeding. They are not intended to foreclose comments in *ESOC* of this proceeding or to prejudge the outcome of either.

7. We also emphasize that we view the statutory question of our authority under the Satellite Act to broaden the class of users who may take service directly from Comsat as settled. The holding of the court has resolved that issue. We continue to believe that our revised authorized user policy can be successfully implemented in the absence of either (or both) direct access or independent earth station ownership. We nonetheless offer interested persons opportunity to comment upon the relationship of these matters and to present information on which we can reach a final conclusion.

8. We shall pursue this solicitation of comments contemporaneously with our rulemaking in *Earth Station Ownership*. Upon receipt of comments in both proceedings, we shall consider anew the relationship of our proposed broader earth station ownership policy, our denial of direct access and our proposal to broaden the class of users who may take service directly from Comsat.

9. Accordingly, pursuant to sections 1, 4(i), 4(j), 201–205 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–205, 403 (1976), it is ordered that interested persons may file comments and reply comments on the relationship of our denial of direct access to INTELSAT and our proposal to adopt a policy allowing independent ownership of earth stations to our policy allowing the Communications Satellite Corporation to make basic satellite transmission capacity available to all users at U.S. earth stations and allowing it to provide international, end-to-end services through a separate corporate subsidiary.

10. It is further ordered that those filing comments and replies in this proceeding should file an original and five copies of their pleadings with the Secretary of the Commission and that they should serve copies on each of the entities who participated in the earlier phase of this rulemaking and whose names are listed in an appendix to this order. A copy of the reply comments should be served on all those who file comments.

11. It is further ordered, pursuant to applicable procedures set forth in 1.410 and 1.415 of the Commission's Rules, that interested parties may file comments on or before June 29, 1984, and reply comments on or before July 23, 1984. We shall consider all relevant and timely comments before taking final

[5] The court of appeals also disagreed with the contention of the proponents that our modified authorized user policy automatically requires a grant of direct access and independent ownership of earth stations. The court, rather, conducted its own analysis of the issues and found that whatever action the Commission took would yield certain benefits and certain detriments and that it did not pre-ordain either denial or grant of the relief the international carriers seek in those proceedings. Rather, it merely required us to take action and to consider the effect of that action upon our proposed authorized user policy. It thus left the outcome to the discretion of the Commission, requiring only a reasoned analysis of the issues. *See* ITT World Communications Inc. v. FCC at pp. 44–8.

action in this proceeding. If a participant wants each Commissioner to receive a personal copy of its comments, it must file an original plus nine copies. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, N. W., Washington, D.C. 20554.

12. It is further ordered, that for purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contracts 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. 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 the 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 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*, Section 1.1231 of the Commission's Rules, 47 CFR § 1.1231.

13. Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354) it is further certified, that sections 603 and 604 of the Act do not apply because the proposed, modified authorized-user policy will not, if promulgated, have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 603, 604, 605(b).

14. It is further ordered that the Secretary shall cause a copy of this order to be published in the **Federal Register** and shall mail a copy of this NPRM to the Chief for Advocacy of the Small Business Administration.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Names of those who participated in the rulemaking in CC Docket No. 80–170 and upon whom those participating in this phase of the proceeding should serve a copy of their comments and reply comments:

Aeronautical Radio, Inc.
American Communications Association
American Telephone and Telegraph Company
Communications Satellite Corporation
Dow Jones and Company
GTE Sprint Communications Corporation (Successor to Southern Pacific Communications Corporation)
Hawaiian Telephone Company
ITT World Communications Inc.
MCI International, Inc. (Owner of Western Union International, Inc.)
RCA Global Communications, Inc.
Securities Industry Automation Corporation
Societe Internationale des Telecommunications Aeronautiques
TRT Telecommunications Corporation
United States Department of Commerce, National Telecommunications and Information Administration
United States Department of Defense

[FR Doc. 84–12427 Filed 5–8–84; 8:45 am]
BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. MC–172]

Withdrawal of Antitrust Immunity for Collective Ratemaking on Small Shipments

AGENCY: Interstate Commerce Commission.

ACTION: Notice of oral argument for the purpose of supplementing the record in proposed rulemaking proceeding.

SUMMARY: In a notice of proposed rulemaking published on October 12, 1983 (48 FR 46399), the Commission requested comments on whether antitrust immunity for collective ratemaking activities by motor carriers of property should be withdrawn for rates applicable to shipments under 1,000 pounds. The Commission also requested comments on whether immunity should be withdrawn from any other areas of motor rate bureau activity or withdrawn altogether. Comments were due December 31, 1983. Because of the importance of these proposals, oral argument will be heard on June 26, 1984, in Washington, DC. Counsel for the National Small Shipments Traffic Conference, Inc. (NASSTRAC) and the Drug and Toilet Preparation Traffic Conference, Inc. (D&TPTC) shall coordinate the speakers in support of the proposals and the time allocations to each. Counsel for the motor carrier rate bureau associations shall coordinate the speakers in opposition to the proposals and time allocations for opponents. Members of Congress and individuals representing federal departments or agencies who wish to appear should contact the Commission's Office of Legislation and Governmental Affairs.

DATES: The oral argument will be heard at 9:30 a.m. on June 26, 1984. Parties wishing to participate should contact the appropriate parties or the Office of Legislation and Governmental Affairs no later than May 30, 1984. NASSTRAC and D&TPTC and the motor carrier rate bureau associations must submit to the Commission's Office of the Secretary the list of parties who will speak no later than June 15, 1984. The Commission will then issue a schedule of appearances.

ADDRESSES: The oral argument will be heard in Hearing Room A at the Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, DC.

If you desire to participate, please contact, as appropriate:

Office of Legislation and Governmental Affairs, Interstate Commerce Commission, 12th St. and Constitution Avenue NW., Washington, D.C. 20423, (202) 275–7231.

NASSTRAC and D&TPTC, c/o Steven J. Kalish, McCarthy, Sweeney, & Harkaway, P.C., 1750 Pennsylvania Avenue NW., Washington, D.C. 20006, (202) 393–5710.

Motor Carrier Rate Bureau Associations, c/o Bryce Rea, Jr., Rea, Cross, & Auchincloss, 918 16th Street NW., Washington, D.C. 20006, (202) 785–3700.

FOR FURTHER INFORMATION CONTACT:

Thomas T. Vining, (202) 275–7813
or
Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: In this proceeding, the Commission is considering whether to withdraw some or all of the antitrust immunity that now attaches to collective ratemaking by motor carrier rate bureaus operating

under Commission-approved agreements. In particular, the Commission is considering a request by NASSTRAC and D&TPTC that immunity be withdrawn for collective ratemaking with respect to rates applicable to shipments under 1,000 pounds. Because of the importance of these issues, oral argument will be heard on June 26, 1984. Participation is not limited to parties who have already filed written comments in response to the notice of proposed rulemaking.

Approximately one hour at the beginning of the oral argument will be reserved for appearances by Members of Congress and individuals representing federal departments or agencies who wish to be heard. These persons should contact the Commission's Office of Legislation and Governmental Affairs no later than June 15, 1984, to indicate their intention to appear. The request should indicate the amount of time sought for argument.

Parties supporting withdrawal of some or all antitrust immunity will then be given one hour for argument. Any part of that time may be reserved for rebuttal following opponents' arguments. Counsel for NASSTRAC and D&TPTC shall coordinate the appearances and time allocations for these parties. The next hour of argument will be designated for parties opposed to the withdrawal of immunity. Counsel for the motor carrier rate bureau associations shall coordinate the appearances and time allocations for the opponents. Each party designated to speak in favor of or against withdrawal of immunity should be assigned no less than 10 minutes for presentation of argument.

On June 15, 1984, ten days prior to argument, Counsel for NASSTRAC and D&TPTC and Counsel for the motor carrier rate bureau associations shall provide a list of the order of persons arguing in support of and opposed to the withdrawal of immunity and the time allocated to each. The Commission will issue a schedule of appearances before the argument, naming the individuals presenting argument and their time allocations.

All parties presenting arguments shall, at the time of argument, submit to the Commission 10 written copies of their prepared argument and any supporting exhibits. Written arguments should correspond to the oral presentations. They will be made part of the record, and the points in the record will be considered even if not reached during the oral presentation.

This notice is issued under the authority of 49 U.S.C 10321 and 10706 and 5 U.S.C. 553.

Decided: May 1, 1984.

By the Commission, Chairman Reese H. Taylor, Jr.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-12478 Filed 5-8-84; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 49, No. 91
Wednesday, May 9, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 250]

Resolution and Order Approving the Application of the Airborne FTZ, Inc. for a Foreign-Trade Zone in Clinton County, Ohio, Adjacent to the Dayton Customs Port of Entry

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

The Board, having considered the matter, hereby orders:

After consideration of the application of Airborne FTZ, Inc., a private Ohio corporation and subsidiary of Airborne Freight Corporation, filed with the Foreign-Trade Zones Board (the Board) on May 24, 1983, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Clinton County, Ohio, adjacent to the Dayton Customs port of entry, the board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

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

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone in Clinton County, Ohio, Adjacent to the Dayton Customs Port of Entry

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

Whereas, the Airborne FTZ, Inc. (the Grantee), a subsidiary of Airborne Freight Corporation, has made application (filed May 24, 1983, Docket No. 18–83, 48 FR 26492) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in Clinton County, Ohio, adjacent to the Dayton Customs port of entry;

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

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

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 101 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

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

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

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

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

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 1st day of May 1984, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige,

Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-12534 Filed 5-8-84; 8:45 am]
BILLING CODE 3510-25-M

[Order No. 249]

Resolution and Order Approving the Application of the Greater Dayton Foreign-Trade Zone, Inc. for a Foreign-Trade Zone in Dayton, Ohio

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

The Board, having considered the matter, hereby orders:

After consideration of the application of the Greater Dayton Foreign-Trade Zone, Inc., a nonprofit Ohio corporation affiliated with the City of Dayton, Montgomery County and the Dayton Area Chamber of Commerce, filed with the Foreign-Trade Zones Board (the Board) on May 24, 1983, requesting a grant of authority for establishing, operating, and

maintaining a general-purpose foreign-trade zone in Dayton, Ohio, within the Dayton Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

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

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone in Dayton, Ohio

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

Whereas, the Greater Dayton Foreign-Trade Zone, Inc. (the Grantee), a non-profit Ohio Corporation affiliated with the City of Dayton, Montgomery County and the Dayton Area Chamber of Commerce, has made application (filed May 24, 1983, Docket No. 17–83, 48 FR 26491) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in Dayton, Ohio, within the Dayton Customs port of entry;

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

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

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 100 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

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

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

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

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

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 1st day of May 1984, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige,

Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84–12533 Filed 5–8–84 8:45 am]

BILLING CODE 3510–25–M

International Trade Administration

University of Illinois at Urbana-Champaign; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Docket No. 84–64. Applicant: University of Illinois at Urbana-Champaign, Urbana, IL 61801. Instrument: High Resolution Fourier Transform Interferometric Spectrophotometer System. Manufacturer: Bomem, Inc., Canada. Intended use: See notice at 49 FR 8055.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a spectral range from 10 to 45 000 cm^{-1} with a resolution of 0.002 cm^{-1}. The National Bureau of Standards advises in its memorandum dated April 6, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparauts of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 84–12371 Filed 5–8–84; 8:45 am]

BILLING CODE 3510–DS–M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

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

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

Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Patent Licensing, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture

SN 6-276,764 (4,432,147)—Energy Efficient Lumber Dry Kiln Using Solar Collectors and Refrigeration System
SN 6-352,662 (4,439,488)—Encapsulation by Entrapment within Polyhydroxy Polymer Borates
SN 6-500,043—SDL-POPS-S-1, A New Biotype of Pseudomonas cepacia
SN 6-570,155—Monoclonal Antibodies to Bluetongue Virus Antigen
SN 6-579,919—Continuous Tree Harvester
SN 6-586,617—Process to Impart Smooth-Dry and Flame Retardant Properties To Cellulosic Fabric
SN 6-591,367—Method for Controlling Yellow Nutsedge Using Puccinia Canaliculata

Department of Commerce

SN 6-346,314 (4,433,336)—Three-Element Antenna Formed of Orthogonal Loops Mounted on a Monopole
SN 6-581,831—Flexure Hinge

Department of Health and Human Services

SN E-316-84—Method of Continuous Production of Retroviruses (HTLV-III) from Patients with AIDS and pre-AIDS
SN E-317-84—Serological Detection of Antibodies to HTLV-III in Sera of Patients with AIDS and pre-AIDS Conditions
SN 6-181,954 (4,430,437)—Test Methods Employing Monoclonal Antibodies Against Herpes Simplex Virus Types 1 and 2 Nucleocapsids Proteins
SN 6-210,044 (4,433,400)—Acoustically Transparent Hydrophone Probe
SN 6-22,219 (4,437,857)—Method and Apparatus for Traversing Blood Vessels
SN 6-243,775 (4,435,572)—Synthesis of Ehtyl-4(3'-Methoxyphenyl)-1-Methyl Piperidine-3-Carboxylate
SN 6-307,536 (4,430,318)—Immunoassay Utilizing 125I Protein A
SN 6-343,026 (4,438,098)—Heat Treatment of a Non-A, Non-B Hepatitis Agent to Prepare a Vaccine
SN 6-416,107 (4,430,216)—High Speed Preparative Countercurrent Chromatography with a Multiple Layer Coiled Column
SN 6-426,141 (4,435,505)—Lysis Filtration Culture Chamber
SN 6-555,611—Recombinant Vaccines for Inflenza Virus and Hepatitis B Virus
SN 6-564,411—Indium-Bleomycin Complex (111 In-BLMC)
SN 6-577,817—Antitussive 6-Keto Morphinans of the (+)-Series

Department of the Air Force

SN 6-227,319 (4,426,193)—Impact Composite Blade
SN 6-227,557 (4,425,553)—Low Frequency Pulse Generator Apparatus
SN 6-242,505 (4,434,492)—Method and Apparatus for Iodine Vaporization
SN 6-247,495 (4,425,518)—High Voltage Field Effect Transistor Pulse Apparatus
SN 6-260,879 (4,431,994)—Combined Radar/Barometric Altimeter
SN 6-271,753 (4,426,648)—Simultaneous Signal Detection for IFM Receivers by Detecting Intermodulation Products
SN 6-300,766 (4,424,679)—Constant Thrust Hybrid Rocket Motor
SN 6-300,767 (4,426,032)—Tool Sealing Arrangement and Method
SN 6-304,122 (4,432,485)—Corrutherm Expansion Fixture
SN 6-308,975 (4,426,705)—Double Electric Discharge Coaxial Laser
SN 6-311,471 (4,431,864)—Communications System Input-Output Converter
SN 6-318,655 (4,430,942)—Missile/Canister Lateral Support Pad Flyout Control System
SN 6-322,042 (4,424,585)—Chemical Laser Nozzle Blade Support System
SN 6-324,914 (4,433,438)—Sobel Edge Extraction Circuit for Image Processing
SN 6-326,975 (4,431,996)—Missile Multi-Frequency Antenna
SN 6-337,347 (4,432,609)—Radiation Protection Louver
SN 6-337,348 (4,426,663)—Real-Time Optical Filtering Method with Improved Filtered Image Detection and Bandwidth Adjustment
SN 6-339,206 (4,426,131)—Replaceable Diffraction Gratings For Cooled Laser Optics
SN 6-342,996 (4,433,045)—Laser Mirror and Method of Fabrication
SN 6-343,059 (4,430,894)—Adjustable Fluid Resistors for Use in an Integrating Accelerometer
SN 6-347,807 (4,431,149)—Geared Tab
SN 6-361,643 (4,432,817)—Propellant Containing An Azidonitrocarbamate Plasticizer
SN 6-366,742 (4,433,198)—Device to Measure Temperature of an Annular Elastomeric Seal
SN 6-370,312 (4,431,946)—Positive Space-Charge Closing Switch Apparatus
SN 6-393,268 (4,427,841)—Back Barrier Heteroface Algass Solar Cell
SN 6-407,220 (4,427,388)—Yoke Mover
SN 6-418,106 (4,431,555)—Oxidation Stable Polyfluoroalkylether Grease Compositions
SN 6-418,114 (4,431,556)—Oxidation Stable Polyfluoroalkylehther Grease Compositions
SN 6-484,328 (4,432,815)—Azido Fluorodinitro Amines
SN 6-484,735 (4,432,814)—Azido Esters
SN 6-508,938 (4,424,398)—Process for Preparation of Energetic Plasticizers
SN 6-547,611)—A Method for Vacuum Baking Indium In-Situ
SN 6-552,554—Optically Pumped CW Semiconductor Ring Laser
SN 6-552,555—Transmissive Dewar Cooling Chamber for Optically Pumped Semiconductor Ring Lasers
SN 6-569,639—Three Dimensional Optical Receiver Having Programmable Gain Sensor Stages
SN 6-569,640—Coaxial Feed Thru
SN 6-569,642—Dipole Ring Array Antenna for Circulary Polarized Pattern
SN 6-574,433—Method for Refining Microstructures of Cast Titanium Articles
SN 6-576,081—Interstitially Protected Oxidation Resistant Carbon-Carbon Composite
SN 6-576,498—Retro Director Radar and Target Simulator Beacon Apparatus and Method
SN 6-577,391—Small Cartridge Heater
SN 6-577,392—Bi-Directional Current Differencer for Complementary Charge Coupled Device (CCD) Outputs
SN 6-577,412—Assymetric Thrust Warning System for Dual Engine Aircraft
SN 6-578,335—Circumferentially Wrapped Carbon-Carbon Structure
SN 6-578,397—Wide Bandwidth Radar Having Improved Signal to Clutter Response Characteristics
SN 6-579,625—Method for Preparing an Improved Pitch Impregnant for A Carbon-Carbon Composite
SN 6-694,261 (4,426,540)—Synthesis of Vinyl Ethers

Department of the Army

SN 6-154,661—Topographic Features Extraction Method and Apparatus
SN 6-252,443 (4,426,378)—Thyrotropin Releasing Hormone in Therapy of Shock and as a Central Nervous System Stimulant
SN 6-315,066—Thermal Conductivity Measurement Method
SN 6-316,205—Collapsible Restraint for Measuring Tapes
SN 6-418,318—Incoherent Optical Heterodyne Fourier Transformer

SN 6-435,833—Method of Calibrating an Optical Measuring System
SN 6-437,659—Electric Conduit Defect Location
SN 6-440,191—Diffusion Current-Applied Current Phase Comparison
SN 6-442,700 (4,426, 440) Integrated Optical Grating Device by Thermal SI02 Growth on SI
SN 6-446,143—Optical Fire Detection System
SN 6-451,992—Environmentally Adaptable Roof Structure
SN 6-456,159—Digital Technique for Constructing Variable Width Lines
SN 6-512,794—Ice Lifter Marine Structure
SN 6-552,883—Method and Apparatus for Measuring the Hydraulic Conductivity of Porous Materials
SN 6-565,788—Wide Field of View Two-Axis Laser Locator
SN 6-565,807—Laser Photochemical Synthesis of Benzene and Its Derivatives
SN 6-566,017—Single Axis Folding Lever Fin
SN 6-573,902—Adjustable Earcup Retention Harness
SN 6-573,908—Notch Antenna for a Radio Communications System
SN 6-576,992—Solid State Nuclear Radiation Detector Circuit with Constant Sensitivity
SN 6-577,929—Method for Producing 3-D Photographs from Fixed Position X-Ray Source
SN 6-581,451—Improved Sealing Tubulation and Method
SN 6-581,496—Phased Array Antennas with Binary Phase Shifters
SN 6-581,833—Millimeter Wave Signal Limiter
SN 6-582,193—Millimeter Wave Image Guide Band Reject Filter
SN 6-583,920—Broadband Multipactor Device
SN 6-585,718—MBE Growth Technique for Matching Superlattices Grown on GaAs Substrates
SN 6-590,614—Method of Synthesizing Sm-Co System Films

Department of the Interior

SN 6-177,976 (4,437,994)—Extraction of Metal Ions From Aqueous Solution
SN 6-285,247 (4,438,473)—Power Supply for an Intrinsically Safe Circuit
SN 6-383,060 (4,435,302)—Concentrating and Reclaiming Magnetic Fluids

Environmental Protection Agency

SN 6-149,458 (4,439,136)—Thermal Shock Resistant Spherical Plate Structures

National Security Agency

SN 6-251,664 (4,435,783)—Magnetic Bubble Logic Apparatus

Tennessee Valley Authority

SN 6-407,526 (4,427,432)—Clarification of Black Ammonium Polyphosphate Liquids-Recycling of Byproduct "TOPS"
SN 6-414,689 (4,427,433)—Production of Granular Ammonium-Polyphosphate with an Inline Reactor and Drum Granulator
SN 6-427,723 (4,424,176)—Process for Granulation of Molten Materials
SN 6-458,403 (4,435,372)—Production of Purified Strong Wet-Process Phosphoric Acid

[FR Doc. 84-12441 Filed 5-8-84; 8:45 am]
BILLING CODE 3510-04-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade, Proposed Rules Relating to Exchange Speculative Position Limits

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of contract market rules.

SUMMARY: The Chicago Board of Trade ("CBT") has submitted to the Commission amendments to its proposed rules setting speculative position limits for currently designated and proposed contract markets pursuant to Commission Rules 1.61 and 1.41, 17 CFR 1.61 and 1.41 (1983), and Section 5a(12) of the Commodity Exchange Act, as amended, 7 U.S.C. 78(12) (1982). The Commodity Futures Trading Commission ("Commission") has determined that these proposals to set speculative limits are potentially of major economic significance. Accordingly, the Commission has determined that publication of these proposals is in the public interest, that receipt of public comment will assist the Commission in its consideration of the exchange submissions, and that publication is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received by June 8, 1984.

ADDRESS: Comments should be sent to the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Chief Counsel, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-6990.

SUPPLEMENTARY INFORMATION: The CBT has previously submitted to the Commission pursuant to Commission Rules 1.61 and 1.41, 17 CFR 1.61 and 1.41 (1983), and Section 5a(12) of the Commodity Exchange Act, as amended, 7 U.S.C. 7a(12) (1982) proposed exchange rules setting speculative position limits in eleven contract markets, 48 FR 45819 (October 7, 1983). The CBT has now submitted proposed exchange rules amending its earlier submission. These amendments would set speculative limits for seven proposed contract markets. They are: five Industrial Portfolio Stock Groups, Commodity Index and Municipal Bond Index.[1] The amendments to the proposed rules also would delete speculative limits relating to trading in 5,000 ounce silver and 100 ounce gold.

In addition, the amendments delete the previously proposed requirement that exchange members who seek exemptions from the specified speculative position limits for futures and options contracts state both the type of position and the position size for which the exemption is sought. This requirement previously had been approved by the Commission in connection with its approval of CBT speculative limit rules for futures and options contracts designated subsequent to the adoption by the Commission of Rule 1.61. The proposed amendments would rescind these approved rules, as well. The exchange justified these amendments to its earlier proposed or approved rules on the grounds that, in its view, "the Commission has not uniformly applied these requirements to other commodity exchanges."

The Commission notes, however, that § 1.61 requires, for the purpose of preventing excessive speculation, that each contract market shall set limits for *maximum positions*. This rule also provides that an exchange may apply different limits to (or exempt) certain types of *positions* such as "spreads, straddles or arbitrage," and that the rules shall not apply to bona fide hedging *positions*. Moreover, § 1.61(d) requires an exchange to provide for a means of enforcing the applicable position limits and a method of monitoring compliance with them.

In view of these requirements, although Commission Rule 1.61 does not detail the specific procedures which must be used by each exchange, procedures approved by the Commission pursuant to Rule 1.61, including those already approved for the

[1] Two additional proposed contract markets, the Major Market Index and the AMEX Market Value Index, were originally included in these amendments. However, a subsequent submission by the CBT deleted from these amendments these proposed contracts.

CBT, have all contained certain minimum common elements with respect to the manner in which exemptions for bona fide hedging and other positions are determined, approved and enforced by an exchange. Among other things, these procedures contemplate prior approval which assures that the positions will be in conformity with the type of exemption permitted and, accordingly, are not potentially disruptive to the market.[2]

It follows that when approval is sought from an exchange for an exemption from a speculative position limit, the applicant is required to state the size of the positions for which exemptions are sought so that the exchange can determine whether such exemptions will be in compliance with its overall requirements. These levels become that person's maximum exempted position until amended. The Commission believes that these or comparable procedures which are intended to avoid frequent or inadvertent violations of the limits that may have an adverse market impact, including the forced liquidation of contracts which are in excess of the applicable exemption, are necessary if the exchange is to discharge adequately its enforcement and monitoring responsibilities under Commission Rule 1.61. Accordingly, any exchange which fails to adhere to these standards would appear to fall short of meeting its self-regulatory responsibilities under Commission Rule 1.61.

The Commission, in accordance with Section 5a(12) of the Act, has determined that these amendments to the CBT's proposed and approved rules setting exchange speculative position limits are potentially of major economic significance. Accordingly, the Commission seeks to receive from interested persons comments on these proposed amendments, especially with respect to deletion of the requirement that applications for exemptions specify the type and size of the positions for which an exemption is sought, and how that deletion affects the exchange's ability to monitor compliance with, and enforcement of, its speculative position limits. The amendments to the CBT's speculative limit proposal will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by telephone at (202) 254–6314.

Other materials submitted by the CBT in support of these proposed rules may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1983)). Requests for copies of such materials should be made to the FOIA Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed exchange rules should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by June 8, 1984. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on May 4, 1984.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 84-12512 Filed 5-8-84; 8:45 am]

BILLING CODE 6351-01-M

[2] Other acceptable methods of complying with the requirements of Commission Rule 1.61 have not been proposed by any of the exchanges. For example, with respect to approval and enforcement of exemptions for certain specified hedging positions from Commission enforced Federal limits—which, it would be noted, are not in any way related to the issues raised here—the Commission relies on the weekly filing of reports on cash market positions and on reports of anticipated requirements or production. These reports enable the Commission to monitor that the positions assumed are indeed hedges.

Commodity Exchange, Inc.; Proposed Amendments Relating to the Copper Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Commodity Exchange, Inc. has submitted a proposal to amend its copper futures contract. The Exchange is proposing to adopt the most recent American Society for Testing and Materials (ASTM) specifications for refined copper, make Grade 2 electrolytic copper cathode the basis grade, allow Grade 1 electrolytic copper cathode to be delivered at a premium of ½ cent per pound, delete the ⅝ths of a cent per pound premium for electrolytic copper in wire bar form, eliminate all grades of copper in cake, slab, billet or ingot form and eliminate all forms of Lake copper from being deliverable on the contract. The Commodity Futures Trading Commission ("Commission") has determined that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments should be received on or before June 8, 1984.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the Comex copper futures contract rule amendments.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254–7303.

SUPPLEMENTARY INFORMATION: Currently, the Commodity Exchange, Inc. ("Comex" or "Exchange") copper futures contract specifies electrolytic copper cathodes as the basis grade for the copper contract. Electrolytic copper wire bars, cakes, slabs or billets are deliverable at a premium of ⅝ths of a cent per pound. Electrolytic copper ingots or ingot bars are deliverable at a premium of ¼ cent per pound. Fire-refined high conductivity copper ingots or ingot bars are deliverable at par. Fire-refined copper assaying 99.88% copper (plus silver) in ingot, ingot bars, cake, slab or billet form is deliverable at a discount of ⅛ cent per pound. Lake copper in ingot, ingot bar, wire bar, cake, slab or billet form is deliverable at par.

Under the Exchange's proposal, deliverable copper would consist of several types conforming to the latest ASTM standard for copper. Grade 2 electrolytic copper cathode (ASTM B115–82) would be the basis grade. A new grade of high purity metal, Grade 1 electrolytic copper (ASTM B115–82), would become deliverable on the contract at a premium of ½ cent per pound. Electrolytic copper in wire bar form (ASTM B5–82) would be deliverable at par. Electrolytic copper ingot bars (ASTM B5–82) would be deliverable at a premium of ¼ cent per pound. Fire-refined high conductivity copper (ASTM B623–80) in ingot bar form would be deliverable at par. Fire-refined copper assaying 99.88% copper (plus silver) (ASTM B216–82) in ingot bar form would be deliverable at a discount of ⅛ cent per pound.

The Comex stated that the proposed revisions to the copper contract are in response to the extensive changes in the

production and consumption of specific grades of copper and specific refinery shapes in recent years. The Exchange maintains that the development of the continuous cast rod (CCR) system has altered the consumption of intermediate forms, grades and shapes of copper. The Exchange indicates that previous to the CCR system, two operations were employed to produce copper rod: first, electrolytic copper cathodes were melted and cast into wire bar; and, second, the wire bar was melted and hot rolled into copper rod. The Exchange indicates that these two procedures were conducted at two different locations and/or two different companies. However, as explained by the Exchange, under the CCR system, electrolytic cathodes can be cast directly into the desired shapes and the entire process can take place at one location.

According to the Exchange, the CCR process has eliminated hot rolling and, therefore, the demand for wire bar has been greatly reduced. The Exchange states that in 1965, the year that CCR became operational, over 60 percent of refined copper consumed was in the form of wire bar and only 6.4 percent of refined copper consumed was electrolytic cathode. The Exchange indicates that by 1982, wire bar consumption was only 7.2 percent of the total refined copper consumed. The Exchange believes that in light of this substantial decrease, the ⅝ cent premium on electrolytic copper wire bar should be eliminated.

The Comex submits that the higher purity of Grade 1 electrolytic copper cathode has made it the preferred raw material for copper rod in the CCR process. The Exchange states that Grade 1 electrolytic copper cathode is more easily worked in forging and rolling processes than Grade 2 electrolytic copper cathode. The Exchange maintains that the remelting of copper to purify the metal increases the fuel costs and other costs for consumers of Grade 2 cathodes. In addition, the Exchange indicates that because over 70 percent of copper rod is processed into copper wire for electrical purposes, the high electrical conductivity of Grade 1 copper cathode has greatly increased its demand. The Exchange submits that the proposed ½ cent premium for delivery of Grade 1 electrolytic cathodes is based on the differential in production costs, the increasing demand for higher purity copper and consultations with the trade.

The Exchange states that the proposed elimination of all grades of copper in cake, slab, billet or ingot form is the result of a substantial decline in the demand for those refinery shapes. The Exchange indicates that between 1965 and 1982 the rate of consumption of copper in these refinery shapes has decreased significantly while the rate of consumption for electrolytic cathodes has increased by 902.4 percent. The Exchange believes the elimination of cakes, slabs, billets and ingots will have no significant economic affect on the copper contract.

Since the American Society for Testing and Materials (ASTM) has ceased to designate specifications for Lake copper, the exchange has proposed to delete Lake copper as a grade of deliverable copper. The Exchange believes that its deletion will have no effect on the copper contract because this grade is obsolete.

The proposed amendments to the copper futures contract would be applicable to existing contracts beginning with the December 1985 contract as well as all subsequent contracts listed by the Exchange.

In accordance with Section 5a(12) of the Commodity Exchange Act, 7 U.S.C. 7a(12), the Commission has determined that the proposal submitted by the Comex concerning its copper futures contract is of major economic significance.

The Commission notes that, prior to the submission of this proposal, significant changes in cash market practices occurred, raising concerns about the extent to which the existing Comex copper futures contract conforms with such practices. In recent discussions with the Commission's staff concerning these issues, the Exchange's staff indicated that these proposals to revise the contract were being considered by the exchange, consistent with its self-regulatory responsibilities under the Act. Accordingly, a formal Regulation 1.50 request that the Comex review the existing contract was not made. *See*, Commission Rule 1.50, 17 CFR 1.50. Of course, should the current proposal not sufficiently reflect changes in commercial practices or should further review of the existing contract by Comex be warranted, a formal request by the Commission under Regulation 1.50 will be considered.

Accordingly, to provide for public inspection and comment to assist the Commission in its review of the current submission, especially with respect to the conformity of the proposed rules with current cash market practice, the Comex's proposal will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington , D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the Comex in support of the proposed rules may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1983)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on May 4, 1984.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 84–12514 Filed 5–8–84; 8:45 am]

BILLING CODE 6351–01–M

Exchange Proposals to Trade Commodity Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Availability of the proposed terms and conditions for trading commodity options on the COMEX Silver futures contract.

SUMMARY: Commodity Exchange, Incorporated ("COMEX") has submitted

an application to trade options on commodity futures contracts for silver under the three-year pilot program adopted by the Commodity Futures Trading Commision ("Commission"). The Commission believes that public comment on these proposals is in the public interest, and is consistent with its option regulations and with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before June 8, 1984.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the COMEX Silver Options contract.

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Chief Counsel, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254–6990.

SUPPLEMENTARY INFORMATION: The Commission has previously adopted regulations to govern a three-year pilot program under which options on certain commodity futures contracts are permitted to be traded on domestic boards of trade designated by the Commission as contract markets for options trading (46 FR 54500 (November 3, 1981)). These regulations were amended to allow the approval of an additional option on certain futures contracts for each domestic board of trade (48 FR 41575, (September 16, 1983)).

COMEX has applied for contract market designation, pursuant to Section 6 of the Commodity Exchange Act, 7 U.S.C. 8 (1982), ("Act") and Commission Regulation 33.5 to trade options on silver futures.

A copy of the terms and conditions of the proposed COMEX options on silver futures contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other material submitted by COMEX in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)). Requests for copies of such materials should be made to the FOIA Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed options contract, or with respect to other materials submitted by COMEX in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by June 8, 1984. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. in May 4, 1984.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 84–12513 Filed 5–8–84; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act.

DATE: Interested persons are invited to submit comments on or before June 8, 1984.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place NW., Room 3208 New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster, (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act (44

U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The requirement for public consultation may be amended or waived by OMB to the extent that the public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform the statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information requests prior to the submission of these requests to the OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested; (2) Title; (3) Agency form number (if any); (4) Frequency of the Collection; (5) The affected public; (6) Reporting Burden; and/or (7) Recordkeeping Burden; and (8) Abstract. Public comment is invited by the OMB at the address specified above. Copies of the requests may be obtained from Margaret Webster at the address specified above.

Dated: May 4, 1984.

Ralph J. Olmo,

Acting Deputy Under Secretary for Management.

Office of Educational Research and Improvement

New

Application for Regional Educational Laboratories and Research and Development Centers: Midwest Regional Educational Laboratory
Annually
State or Local Governments; Non-profit Institutions
Reporting Burden: Responses: 10, Burden Hours: 1,600

Abstract: Public agencies or private, non-profit organizations may appiy for a Midwest Regional Educational Laboratory grant for institutional operations. This competition is designed to meet congressional intention that an award be made in FY 1984 for a duration of 5 years.

[FR Doc. 84-10395 Filed 5-8-84; 8:45 am]
BILLING CODE 4000-01-M

Office of Postsecondary Education

Supplemental Funds Program for Cooperative Education; Application Notice for New Awards for Fiscal Year 1984

Applications are invited for the award of certain unused College Work-Study Program funds for the support of programs of Cooperative Education.

Authority for this programs is contained in section 442(d) of the Higher Education Act of 1965, as amended.

(42 U.S.C. 2752(d))

Closing Date for Transmittal of Applications

Applications for supplemental funds for the support of programs of Cooperative Education must be mailed or hand-delivered by August 15, 1984.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Office of Postsecondary Education, Division of Higher Education Incentive Programs (Cooperative Education); Attention: 84.055E, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If any application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first-class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the Division of Higher Education Incentive Programs (Cooperative Education), U.S. Department of Education (Room 3053, ROB-3), 7th and D Street SW., Washington, D.C.

The Division of Higher Education Incentive Programs will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

Section 442(d) of Title IV–C of the Higher Education Act of 1965, as amended, requires the Secretary to give preference in reallotting the first 50 percent of unused College Work-Study Program funds to eligible institutions of higher education for use in initiating, improving, and expanding programs of cooperative education administered in accordance with the regulations impementing Title VIII of the Act.

Except as noted below, each eligible institution of higher education submitting an application will receive a proportionate share of the available funds, based on the ratio of the number of full-time and full-time equivalent students assisted under its program of cooperative education between the period July 1, 1983, through June 30, 1984, to the number of those types of students assisted in programs of cooperative education in all eligible institutions applying for the available funds.

Using the above-mentioned formula, the Secretary will not issue a grant to an eligible institution if the institution will receive a grant less than $500.

Eligible applicants must provide the application information required in 34 CFR 636.20 of the regulations for the Supplemental Funds Program for Cooperative Education.

The funds under the Supplemental Funds Program for Cooperative Education must be used to initiate, improve, or expand a program of cooperative education administered in accordance with the regulations implementing Title VIII of the Act.

In identifying programs of cooperative education, applicants can consider those programs that offer students alternating or parallel periods of academic study and public or private employment that—

(1) Afford students the opportunity to earn funds necessary for continuing and completing their education; and

(2) As far as practicable, give students work experience related to their academic occupational objectives.

Before calculating the number of students, applicants should review the definitions found in 34 CFR 636.4, for the terms "assisted" and "full-time equivalent students".

Before determining the use of the supplemental funds for programs of cooperative education, applicants should review the definitions for "expand," "improve," and "initiate," found in 34 CFR 636.4, and the definition for "Cooperative Education," found in 34 CFR 631.3.

Available Funds

The Secretary will not have the report of the unused College Work-Study Program funds available for reallotment until mid-August.

These funds must, however, be realloted on or before September 30, 1984.

Application Forms

Application forms and program information packages are expected to be mailed to institutions of higher education by June 28, 1984. They may also be obtained after that date from the Division of Higher Education Incentive Programs (Cooperative Education), U.S. Department of Education (Room 3053, ROB–3), 7th and D Streets SW., Washington, D.C. 20202. Telephone: (202) 245–2146.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary suggests that the narrative statements of the application not exceed one page in length. The Secretary further suggests that only the information required by the application form be submitted. (OMB 1840–0126).

Applicable Regulations

The following regulations apply to projects supported with supplemental funds:

(a) Regulations governing the Supplemental Funds Program for Cooperative Education (34 CFR Part 636);

(b) Regulations governing the Cooperative Education Program (34 CFR Parts 631 and 632);

(c) Regulations governing the College Work-Study Program (34 CFR Part 675); and

(d) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78).

Further Information

For further information contact the Division of Higher Education Incentive Programs (Cooperative Education) Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW. (Room 3053, ROB–3), Washington, D.C. 20202. Telephone: (202) 245–2146.

(20 U.S.C. 1133, 42 U.S.C. 2752(d))

(Catalog of Federal Domestic Assistance Number 84.055E, Supplemental Funds Program for Cooperative Education)

Dated: May 3, 1984.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 84–12485 Filed 5–8–84; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Draft Mission Plan for the Civilian Radioactive Waste Management Program

AGENCY: Office of Civilian Radioactive Waste Management, DOE.

ACTION: Notice of Availability of Report.

The Nuclear Waste Policy Act of 1982, Pub. L. 97–425, was signed by the President of January 7, 1983. Section 301 of this Act requires the Secretary of Energy to prepare a comprehensive report known as the Mission Plan. The purpose of this report is to "provide an informational basis sufficient to permit informed decisions to be made in carrying out the repository program and the research, development, and demonstration programs required under this Act."

Section 301 of the Act further requires the Secretary to submit:

1. A draft Mission Plan to the States, the affected Indian Tribes, the Nuclear Regulatory Commission, and other Government agencies for their comments, and

2. The Mission Plan, revised as appropriate in response to the comments, to the appropriate committees of the Congress.

The purpose of this notice is to announce the availability of the draft Mission Plan.

The draft Mission Plan consists of two volumes. Volume I begins with a brief introduction listing the program's major objectives and discussion of the overall program strategy. It continues with a detailed discussion of program plans and the intended schedule for the mind geologic repositories, monitored retrievable storage, transportation, and Federal interim storage. Volume I concludes with a discussion of program management.

Volume II of the Mission Plan presents the detailed information required by Section 301(a) of the Act—key issues and information needs; plans for obtaining the necessary information; plans for the test and evaluation facility; financial, institutional, and legal issues; principal results obtained to date from

site investigations; information on the exploratory shaft; information on waste package; schedules; cost; and socioeconomic impacts.

In order to obtain input early during the preparation of this draft Mission Plan, the Office of Civilian Radioactive Waste Management in the Department of Energy issued a preliminary "working draft" of Volume I to the States, affected Indian Tribes, the Nuclear Regulatory Commission and other Government agencies on December 20, 1983. The Department received many pertinent and thoughtful comments on the working draft of the Mission Plan. These comments were carefully considered and changes were made to the draft Plan where appropriate.

Copies of the draft Mission Plan may be obtained by either telephoning (202) 252–5568, direct pick-up at the address shown below, or writing to: Office of Public Affairs, Draft Mission Plan for Radioactive Waste, U.S. Department of Energy, Room 1E–218, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585.

In order for the Department to submit the formal Mission Plan to Congress consistent with the intent of the Nuclear Waste Policy Act, all comments on the draft Mission Plan must be submitted in writing no later than July 9, 1984 to: Mr. Charles R. Head, Acting Director, Operations Division, Office of Civilian Radioactive Waste Management, U.S. Department of Energy, RW–13, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Issued in Washington, D.C., May 1, 1984.

Michael J. Lawrence,

Acting Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 84–12354 Filed 5–8–84; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangements; European Atomic Energy Community

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

These subsequent arrangements would give approval, which must be obtained under the above mentioned agreements, for the transfer of special nuclear material of United States origin from Japan to the United Kingdom for the purpose of reprocessing.

The proposed transfers are as follows:

(1) 728 irradiated fuel assemblies containing 134,000 kilograms of uranium, enriched to 1.17 percent in U-235, and 1,120 kilograms of plutonium from the Fukushima Units 1, 2, 3, 4, 5 and 6 of the Tokyo Electric Power Co., Inc., to the United Kingdom;

(2) 140 irradiated fuel assemblies containing 25,662 kilograms of uranium, enriched to 1.31 percent in U-235, and 210 kilograms of plutonium from the Hamaoka Units 1 and 2 of the Chubu Electric Power Co., Inc., to the United Kingdom; and

(3) 988 irradiated fuel elements containing 11,224 kilograms of uranium, enriched to 0.5 percent in U-235, and 23 kilograms of plutonium from the Tokai Power Station of the Japan Atomic Power Co. to the United Kingdom.

The foregiong proposed transfers are designated as RTD/EU(JA)—65, 66 and 67, respectively.

The Department of Energy has received a letter of assurance from the Government of Japan that the recovered uranium and plutonium will not be transferred from the reprocessing sites, nor put to any use, without the prior approval of the United States Government.

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

These subsequent arrangements will take effect no sooner than fifteen (15) days after the date of publication of this notice, and after fifteen (15) days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above small run concurrently.

For the Department of Energy.

Dated: May 3, 1984.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 84–12456 Filed 5–8–84; 8:45 am]

BILLING CODE 6450–01–M

Award of Cooperative Agreement; Restricted Eligibility

AGENCY: Department of Energy, Nevada Operations Office.

ACTION: Notice of restricted eligibility for award of cooperative agreement.

SUMMARY: DOE announces that pursuant to the DOE Financial Assistance Rules, 10 CFR 600.7(b), it is restricting eligibility for the award of a coopertive agreement for the performance of inertial fusion research and operation of the National Laser Users Facility.

Authority: Public Law 95–91 (42 U.S.C. 7256); Public Law 95–224 (41 U.S.C. 501 et seq.); DOE Financial Assistance Rules, 10 CFR Part 600 (47 FR 44076, October 5, 1982).

Project scope: This Cooperative Agreement will provide for the performance of research on laser-matter interactions with particular emphasis on inertial fusion research leading toward a demonstration of the scientific feasibility of igniting small masses of fusion fuels using lasers.

The objectives of the project are (1) to conduct research to enhance the science and technology base related to laser-matter interactions; (2) to evaluate promising, low-cost driver technology options, scalable to the megajoule level, within acceptable costs for commercial inertial fusion applications; (3) to maintain a national laser users facility for laser-matter interaction studies by a wide community of scientists; and (4) to provide the assistance necessary to maintain trained scientists to meet the nation's future science and technology needs related to laser-matter interactions.

Eligibility for award of this Cooperative Agreement is being limited to the University of Rochester because of its unique laser and optical facilities and scientific resources within an academic environment which are not available elsewhere in the private sector.

The term of this Cooperative Agreement will commence on October 1, 1984, and end on September 30, 1987. The total estimated cost of the project is $22,500,000.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Nevada Operations Office, Attn: Rex B. Purcell, P.O. Box 14100, Las Vegas, NV 89114.

Issued in Washington, D.C. on May 2, 1984.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

[FR Doc. 84-12521 Filed 5-8-84; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-84-005; OFP Case No. 53012-1864-01-02-12]

University of Michigan; Order Granting Exemption

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting to the University of Michigan an exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted to the University of Michigan (Michigan) a permanent cogeneration exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act") for two new boilers to be located at its central powerplant in Ann Arbor, Michigan. The exemption granted permits the use of natural gas or petroleum as the primary energy source for the identified units.

The final exemption order and detailed information on the proceeding are provided in the SUPPLEMENTARY INFORMATION section below.

DATES: The order and its provisions shall take effect on July 9, 1984.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Roland DeVries, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Bldg., Room GA-093, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-6002

Marya Rowan, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6A-141, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-6739.

SUPPLEMENTARY INFORMATION: On January 25, 1984, the University of Michigan filed a petition with ERA requesting a permanent cogeneration exemption for two new boilers from the prohibitions of Title II of FUA.[1] Michigan proposes to install these natural gas fired boilers, with oil firing capabilities, to provide necessary steam to university facilities including a new hosptial. These new units each have a steam capacity, at maximum design load, of 110,000 pounds of steam per hour. They each will demand heat input of greater than 100 million Btu's per hour and have a combined electric generating capacity of 10 MW.

The facility is to be located at Michigan's Central Powerplant in Ann Arbor, Michigan.

The cogeneration facility is classified as a major fuel burning installation under FUA because less than 50 percent of its net annual electric generation will be sold.

Basis for Exemption Order

The permanent exemption granted by ERA to the two new boilers is based upon Michigan's certification, pursuant to section 212(c) of FUA and 10 CFR 503.37(a)(1), that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of Boilers No. 1 and 2, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of petroleum and natural gas and an alternate fuel in Boilers No. 1 and No. 2, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

In addition to the exhibits containing the bases for the certification (as required by 10 CFR 503.37(c)), Michigan also submitted an environmental impact analysis, as required under 10 CFR 503.13.

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to the proposed Michigan units in the **Federal Register** on March 1, 1984 (49 FR 7643), commencing a 45 day public comment period pursuant to section 701(c) of FUA. As required by section 701 (f) and (g) of the Act, ERA provided copies of the petition to the Environmental Protection Agency and the Federal Trade Commission, respectively, for comments. During this period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on April 16, 1984. No comments were received and no hearing was requested.

NEPA Compliance

After review of Michigan's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, ERA has determined that Michigan has satisfied the eligibility requirements for the requested exemption as set forth in 10 CFR 503.37(a)(1). Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent cogeneration exemption to Michigan to permit the use of natural gas or petroleum as the primary energy source for its two new boilers to be located at the central powerplant in Ann Arbor, Michigan.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this action may petition for judicial review thereof at any time before July 9, 1984.

Issued in Washington, D.C., April 30, 1984.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-12522 Filed 5-8-84; 8:45 am]

BILLING CODE 6450-01-M

[1] Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in new powerplants and certain new major fuel burning installations. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the **Federal Register** at 46 FR 59872 (December 7, 1981). A revised final rule governing eligibility and evidentiary requirements for the cogeneration exemption was issued on June 25, 1982 (47 FR 29209 (July 6, 1982)).

[ERA Docket No. 84-04-NG]

Natural Gas Exports; Valero Transmission Company and Valero Industrial Gas Company; Application for Authorization and Emergency Order To Export Natural Gas to Mexico

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application and emergency order granting authorization to export natural gas to Mexico.

SUMMARY: On April 24, 1984, Valero Transmission Company (Valero) and Valero Industrial Gas Company (VIGC) filed an application with the Economic Regulatory Administration (ERA) for an authorization to export up to 6000 Mcf per day of natural gas to Mexico at the current price charged by Mexico of $4.40 per MMBtu. The export would take place at a border location where exports had been previously authorized, but were terminated after facility damage resulted from flooding of the Rio Grande River in 1980. The application is filed with the ERA pursuant to section 3 of the Natural Gas Act. Protests or petitions to intervene are invited.

The ERA also gives notice at this time of its decision to issue on April 27, 1984, an emergency order granting applicants an export authorization of limited duration.

FOR FURTHER INFORMATION CONTACT:

Robert M. Stronach (Natural Gas Division, Office of Fuels Programs), Economic Regulatory Administration, Forrestal Building, Room GA–007, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9622

Diane J. Stubbs (Office of General Counsel, Natural Gas and Mineral Leasing), U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6667

SUPPLEMENTARY INFORMATION:

I. Background

On April 24, 1984, Valero and VIGC jointly filed an application with the ERA of the Department of Energy (DOE), pursuant to section 3 of the Natural Gas Act, for authorization to export natural gas at the international border between Eagle Pass, Texas, and Piedras Negras, Coahuila, Mexico. The maximum volume sought to be exported is 6000 Mcf per day. The proposed purchaser of the gas is Petroleos Mexicanos (Pemex) and the gas will be used by industrial and residential customers of Pemex in Piedras Negras. Pemex has agreed to pay Valero and VIGC the current price for Mexican gas imports to the United States. This price is currently $4.40 per MMBtu.

Natural gas has been exported at this border location in prior years, first being authorized by the Federal Power Commission in 1940. However, floods on the Rio Grande River during 1980 damaged pipeline facilities on the U.S. side of the border and washed away facilities on the Mexican side. Valero states that its facilities remained in place after the flood and may only require testing and repair whereas Pemex facilities were totally destroyed. Pemex has since advised Valero that it has experienced supply shortages and in December 1983 was unable to serve Piedras Negras during a 10-day period.

Pemex has completed onshore trenching for a new pipeline but will not commence trenching through the Rio Grande River until the export is authorized. The International Boundary and Water Commission agreed to control the flow of the river to maintain a depth of about 2 feet at the proposed crossing only until April 28, 1984, because of agricultural requirements for the water after this date. If water levels are allowed to go up prior to completion of construction, the interconnection will have to be delayed until late 1984. Valero also claims that it was not advised of the limited construction "window" by the International Boundary and Water Commission until April 23, 1984, but that construction of the river crossing will take only a few days. Based on all these facts, Valero sought emergency, expedited action on its application.

In view of the above considerations, the Administrator determined that granting an emergency order to Valero and VIGC was not inconsistent with the public interest. While noting that the ERA ordinarily did not act on a request for authorization until expiration of the notice and comment period, the Administrator emphasized the need to avoid construction delays and possible supply shortages, the short-term nature of the authorization and the protection offered by this notice which invites public participation.

Issued on April 27, 1984, the emergency order approved the export of up to 6000 Mcf per day of gas to Mexico at a unit price of $4.40 per MMBtu, or such other price as the ERA authorizes for imports from Mexico, until a final decision is made on the application or six months from the date of the order, whichever is sooner. The order also required applicants to file with ERA copies of the proposed contract with Pemex when it becomes available.

Other Information

Any person wishing to become a party to the proceeding, and thus to participate as a party in any conference or hearing which might be convened, must file a petition to intervene. Any person may file a protest with respect to the application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements that are specified by the regulations that were in effect on October 1, 1977, in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Division, Economic Regulatory Administration, Room GA–007, RG–43, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

All protests and petitions to intervene must be filed no later than 4:30 p.m., on June 8, 1984.

A hearing will not be held unless a motion is made by a party or person seeking intervention and is granted by the ERA, or if the ERA on its own motion believes that a hearing is necessary or required. A person filing a motion must demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, the ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of the application is available for inspection and copying in the Natural Gas Division Docket Room, located in Room GA–033, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on May 4, 1984.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84–12520 Filed 5–8–84; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RP84–76–000

Alabama-Tennessee Natural Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

May 3, 1984.

Take notice that on April 30, 1984, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) tendered its rate increase filing in the captioned docket concurrently with a completely new tariff filing "FERC Gas Tariff, Original Volume No. 1 (Superseding Alabama-Tennessee Natural Gas Company's FPC Gas Tariff Third Revised Volume No. 1)."

The increase in jurisdictional revenues to be provided by the rates as shown in the tariff would be $1,266,438 based upon the twelve months ended December 31, 1983, as adjusted for known and measurable changes through September 30, 1984. Alabama-Tennessee

proposes that the new designated tariff become effective on May 30, 1984. It is stated in the filing that the increased rates are required to provide additional revenues sufficient to enable Alabama-Tennessee to recover its jurisdictional cost of service based on the twelve months ended December 31, 1983, as adjusted for known and measurable changes through September 30, 1984.

Alabama-Tennessee states that copies of this filing have been served upon its customers and the State Commissions of Alabama, Mississippi, and Tennessee.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12398 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-353-000]

ANR Pipeline Co.; Notice of Request Under Blanket Authorization

May 2, 1984.

Take notice that on April 18, 1984, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP84-353-000 a request pursuant to Section 157.205 of the Commission's regulations under the Natural Gas Act (18 CFR 157.205) that ANR proposes to transport natural gas on behalf of Gates Rubber Company (Gates) under its authorization issued in Docket No. CP 82-480-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

It is stated that the gas to be transported would be sold to Gates by Consolidated Fuel Supply, Inc. (CFS). ANR would take receipt of up to 500 dt equivalent of gas per day which CFS would cause Panhandle Eastern Pipe Line Company (Panhandle) to tender to ANR for Gates' account, or which CFS would cause various producers to deliver to Transok Pipe Line Company (Transok), an intrastate pipeline company, which in turn would tender to ANR for Gates' account at a point of interconnection of the pipeline systems of ANR and Panhandle in Dewey County, Oklahoma, and of ANR and Transok in Custer County, Oklahoma, it is explained. ANR proposes to transport and deliver equivalent volumes to Illinois Power Company (IPC) for Gates' account at an existing point of interconnection of the pipeline systems of IPC and ANR in Henry County, Illinois. It is indicated that the gas would be used by Gates at its Galesburg, Illinois, plant in boilers which provide steam to heat buildings and run process equipment.

ANR states that it would charge Gates 44.6 cents per dt equivalent, for all gas transported and delivered to IPC for Gates' account, and would be reimbursed for the transportation charges assessed by Transok for its service coincident with ANR's. Transok's charge is currently 22.85 cents per dt equivalent for all gas tendered to ANR, it is submitted.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to 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. 84-12399 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-78-000]

Bayou Interstate Pipeline Corp.; Notice of Proposed Changes in FERC Gas Tariff

May 3, 1984.

Take notice that Bayou Interstate Pipeline Corporation (Bayou), on April 30, 1984, tendered for filing First Revised Sheet Nos. 4 and 4A to be a part of its Gas Tariff, Original Volume No. 1. Bayou states that the proposed rate will permit it to recover its jurisdictional cost of service for the base period ended December 31, 1983, as adjusted.

The proposed rate provides for a $3,956,218 annual increase in jurisdictional revenues.

Copies of this filing have been served upon Bayou's jurisdictional customer, the Public Service Commission of the State of Louisiana and the Department of Natural Resources Office of Conservation of the State of Louisiana.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before May 10, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12400 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-400-000]

Cleveland Electric Illuminating Co.; Notice of Filing

May 3, 1984.

The filing Company submits the following:

Take notice that on April 19, 1984, Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 40 MW of power from the 345 kv interconnection point on CEI's Juniper—Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI requests an effective date of March 21, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or

protests should be filed on or before May 16, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12401 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-75-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

May 3, 1984.

Take notice that on April 30, 1984, Columbia Gas Transmission Corporation (Columbia) tendered for filing the following proposed changes to its FERC Gas Tariff:

Original Volume No. 1

Nintety-third Revised Sheet No. 16
Thirty-second Revised Sheet No. 64
Thirtieth Revised Sheet No. 64A
Second Revised Sheet No. 64D1

Original Volume No. 1-A

Second Revised Sheet No. 3

Original Volume No. 2

Eighth Revised sheet No. 693

Columbia states that all tariff sheets being tendered bear an issue date of April 30, 1984 and a proposed effective date of June 1, 1984.

Columbia states that the instant filing is designed to restructure its sales and transportation rates to better reflect current market conditions. Columbia notes, however, that the proposed changes do not produce an increase in overall revenues to Columbia. The proposed changes primarily involve (1) a change in cost classification and rate design from the United formula to the Seaboard formula, and (2) the reflection of significant levels of representative transportation quantities in the filing, as well as revised rates for transportation services.

Columbia states that in an effort to improve its competitive position and that of its customers, a special voluntary adjustment has been made to the initially calculated rates. The adjustment is designed to produce revenues for Columbia at an overall level equivalent to the level of revenues which Columbia would collect and retain if its existing rates and revenue crediting procedures were maintained.

Columbia states that as a result of the above special adjustment, its proposed rates are projected to produce approximately $124 million less than would be necessary to recover the overall cost of service reflected in the instant filing. Said cost of service is based on a test period consisting of the twelve months ended December 31, 1983, as adjusted to reflect known and measurable changes through September 30, 1984.

Copies of the filing were served by the company upon each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before May 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12402 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-74-000]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

May 3, 1984.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf), on April 30, 1984, tendered for filing proposed changes to its FERC Gas Tariff as follows:

Original Volume No. 1

Second Revised Sheet No. 6
Twenty-ninth Revised Sheet No. 7
Sixth Revised Sheet No. 8
First Revised Sheet No. 24
First Revised Sheet No. 25
First Revised Sheet No. 26
Second Revised Sheet No. 58
Second Revised Sheet No. 117
Third Revised Sheet No. 118
Second Revised Sheet No. 119
Second Revised Sheet No. 120
First Revised Sheet No. 120A
First Revised Sheet No. 120B

Original Volume No. 2

Eleventh Revised Sheet No. 72
Eleventh Revised Sheet No. 73
Eighth Revised Sheet No. 92
Eighth Revised Sheet No. 93
Eighth Revised Sheet No. 126
Ninth Revised Sheet No. 145
Ninth Revised Sheet No. 146
Eighth Revised Sheet No. 263
Seventh Revised Sheet No. 320
Seventh Revised Sheet No. 337
Seventh Revised Sheet No. 386
Seventh Revised Sheet No. 387
Fifth Revised Sheet No. 416
Fifth Revised Sheet No. 417
Seventh Revised Sheet No. 440
Seventh Revised Sheet No. 484
Seventh Revised Sheet No. 493
Seventh Revised Sheet No. 567
Seventh Revised Sheet No. 596
Sixth Revised Sheet No. 628
Fourth Revised Sheet No. 663
Fourth Revised Sheet No. 677
Fourth Revised Sheet No. 702
Sixth Revised Sheet No. 750
Fifth Revised Sheet No. 820
Fifth Revised Sheet No. 821
Fifth Revised Sheet No. 848
Fifth Revised Sheet No. 849
Second Revised Sheet No. 879
Fourth Revised Sheet No. 937
Fourth Revised Sheet No. 1052
Fifth Revised Sheet No. 1097
Fourth Revised Sheet No. 1149
Fourth Revised Sheet No. 1150
Fourth Revised Sheet No. 1194
Fourth Revised Sheet No. 1195
Third Revised Sheet No. 1223
Third Revised Sheet No. 1253
Third Revised Sheet No. 1268
Third Revised Sheet No. 1302
Third Revised Sheet No. 1303
Third Revised Sheet No. 1338
Third Revised Sheet No. 1339
Third Revised Sheet No. 1370
Third Revised Sheet No. 1371
Third Revised Sheet No. 1438
First Revised Sheet No. 1441
First Revised Sheet No. 1442
Second Revised Sheet No. 1462
First Revised Sheet No. 1489
First Revised Sheet No. 1490
Second Revised Sheet No. 1521
Second Revised Sheet No. 1555
Second Revised Sheet No. 1587
Second Revised Sheet No. 1588
First Revised Sheet No. 1631
First Revised Sheet No. 1632
First Revised Sheet No. 1690

The revised tariff sheets proposed to become effective June 1, 1984, reflect a decrease in Columbia Gulf's revenue of $50,243,700 based on a cost of service for the test period twelve months ended December 31, 1983, as adjusted, compared with revenue based upon its current collection rates at Docket No. RP82-119. Columbia Gulf further states that the reduction is primarily due to a decrease in rate base of $71,094,442 and

reductions in certain operation and maintenance expenses.

Copies of this filing are also being mailed to each of Columbia Gulf's jurisdictional customers, as well as to each of Columbia Gas Transmission Corporation's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to made protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12404 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-22-006]

Consolidated Gas Transmission Corp.; Notice of Tariff Filing

May 3, 1984.

Take notice that on April 25, 1984, Consolidated Gas Transmission Corporation (Consolidated) filed Thirty-Ninth Revised Sheet No. 16 to the Third Revised Volume No. 1 of its Tariff. The proposed effective date is May 1, 1984.

The purpose of the filing is to reduce rates so as to "flow through" certain pipeline supplier refunds pursuant to a unanimous Stipulation and Agreement dated April 4, 1984, in Consolidated's Docket No. RP84-35-001. The filing is conditioned upon the Commission's approval of this Stipulation and Agreement. The filing also incorporates a voluntary $10,500,000 rate reduction to return certain Order No. 93 amounts over ten (10) months.

Consolidated also filed Alternate Thirty-Ninth Revised Sheet No. 16. The alternate sheet would implement the Stipulation and Agreement but would not incorporate the $10,500,000 Order No. 93 refund. Consolidated asks that the alternate sheet be considered by the Commission only in the event that substantial opposition to the primary tariff sheet is received.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be deemed necessary to permit the revised tariff sheet to be come effective as proposed. In particular, Consolidated requests waiver of Article 12.6 of the General Terms and Conditions of its Tariff which, absent the Stipulation and Agreement of April 4, 1984, and this filing, would have required that lump sum cash refunds be made to Consolidated's customers in May 1984. Waiver is necessary under these circumstances because it will allow Consolidated to carry out the intent of the parties as set out in Article IV of the referenced Stipulation and Agreement.

Consolidated states that copies of the filing were served on all of its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12403 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-401-000]

Dayton Power and Light Co.; Notice of Filing

May 3, 1984.

The filing Company submits the following:

Take notice that on April 20, 1984, Dayton Power and Light Company (Dayton) tendered for filing an executed Service Agreement for Partial Requirements and/or Transmission Wheeling Service to Municipalities For Resale (Service Agreement) between Dayton and the Village of Arcanum, Ohio.

Dayton states that the proposed Service Agreement permits the Village of Arcanum to receive partial requirements and transmission wheeling service from Dayton under its FERC Electric Tariff, Original Volume No. 2. The previous service agreement between Dayton and the Village of Arcanum under which the Village of Arcanum received service pursuant to Dayton's FERC Electric Tariff Original Volume No. 1, is superseded.

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

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 16, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12405 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-402-000]

Dayton Power and Light Co.; Notice of Filing

May 3, 1984.

The filing Company submits the following:

Take notice that on April 20, 1984, Dayton Power and Light Company (Dayton) tendered for filing an executed Purchase and Resale Agreement (Agreement) between Dayton and the Village of Arcanum, Ohio.

Dayton states that the proposed Agreement allows Arcanum to purchase energy requirements from third parties who will use existing Interconnection Agreement Rate schedules to deliver the energy requirements to Dayton for delivery to Arcanum.

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

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 16,

1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12406 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-79-000]

Gas Gathering Corp.; Notice of Proposed Change in Rates

May 3, 1984.

Take notice that on May 1, 1984, Gas Gathering Corporation (GGC) tendered for filing proposed changes in its FERC Gas Tariff providing for an increase in its base tariff gathering charge for sales to Transcontinental Gas Pipe Line Corporation (Transco), its sole jurisdictional customer. The proposed change would increase the base tariff gathering charge to Transco by 13.826 cents per MMBtu over GGC's currently effective charge.

The proposed effective date is June 1, 1984.

GGC seeks a waiver of the requirement that any major rate increase sought under Section 4 of the Natural Gas Act must be filed not more than four months after the close of the base period, thereby permitting GGC to file its rate case on May 1, 1984, instead of April 30, 1984.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12407 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-59-000]

Northern Natural Gas Co.; Notice of Alaskan Natural Gas Transportation System (ANGTS) Semi-Annual Rate Adjustment

May 3, 1984.

Take Notice that on April 27, 1984, Northern Natural Gas Company (Northern) tendered for filing with the Federal Energy Regulatory Commission (FERC) its regularly scheduled semi-annual ANGTS rate adjustment to be effective June 27, 1984 pursuant to Northern's F.E.R.C. Gas Tariff.

This filing request that the ANGTS rate component of Northern's rates remain unchanged and that Northern be granted a waiver of certain conditions provided in its tariff in order to maintain rate stability. The filing specifically request the Commission's authorization to: (1) waive the terms and conditions as related to derivation of the Base ANGTS rate as set forth in Paragraph 21.51 of Northern's F.E.R.C. Gas Tariff, Third Revised Volume No. 1 and Paragraph 4.51 of Northern's F.E.R.C. Gas Tariff, Original Volume No. 2; (2) continue to bill and collect, effective June 27, 1984, the currently effective rates authorized by the Commission in Docket No. TA84-1-59-001 and to collect only 1984 revenue shortfall in accordance with the currently authorized tariff procedures; and (3) withdraw Northern's application of December 9, 1983 at Docket No. TA84-1-59-004 to defer certain 1983 and 1984 ANGTS transportation costs and to recover such deferred costs including carrying charges via a special rate surcharge to be effective for a four-year period commencing December 27, 1984.

The Company states that copies of the filing have been mailed to each of its Gas Utility Customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12408 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT84-21-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Notice of Filing

May 3, 1984.

Take notice that on April 27, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), tendered for filing to become a part of Northern Natural Gas Company's (Northern) F.E.R.C. Gas Tariff, Third Revised Volume No. 1:

Eleventh Revised Sheet No. 91
Tenth Revised Sheet No. 92
Eleventh Revised Sheet No. 93

These sheets are filed to reserve for future usage the gap in sheet numbering between the Index of Purchasers and Directory of Communities Served, as requested by a member of the Staff.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with the Commission's Rules of Practice & Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12409 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-37-003]

Northwest Pipeline Corp.; Notice of Compliance Filing

May 3, 1984.

Take notice that on April 27, 1984 Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet:

Amended Thirteenth Revised Sheet No. 10

The tendered tariff sheet is filed pursuant to Ordering Paragraph E (3) of the Commission's March 30, 1984 order in the above referenced docket in which Northwest was ordered to refile tariff sheets to reflect the removal of unpaid accruals from Account No. 191 and the recalculation of interest in Account No. 191 removing the interperiod tax effect from transportation revenues in calculating carrying charges. The rate change incorporated in the tendered Sheet No. 10 amounts to a reduction of .062 cents per therm.

Northwest has requested an effective date of April 1, 1984 for the above tendered tariff sheet.

A copy of this filing has been served on all parties of record in Docket No. RP72–154, upon all jurisdictional customers and affected State regulatory commissions, and upon all intervenors in Docket No. RP84–2–37–000, *et al.*

Any persons desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before May 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–12410 Filed 5–8–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–403–000]

Portland General Electric Co.; Notice of Filing

May 3, 1984.

The filing Company submits the following:

Take notice that on April 20, 1984, Portland General Electric Company (PGE) tendered for filing its revised Average System Cost (ASC) which reflects PGE's General and BPA Tracker rate change which was effective with meter readings on and after November 30, 1983. The filing includes a revised Appendix 1, Exhibit C to the Residential Purchase and Sale Agreement and the authorization for the rate change from the Public Utility Commissioner of Oregon.

PGE states that the filing shows that its base ASC as approved by the Bonneville Power Administrator in his report dated March 29, 1984, is 38.41 mills/kwh.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR SS 385.211, 385.214). All such motions or protests should be filed on or before May 16, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–12411 Filed 5–8–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. G–5311–011, et al.]

Skelly Oil Company, et al.; Notice of Application for Certificates, Abandonments of Service and Petitions to Amend Certification [1]

May 1, 1984.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 16, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf 1,000 ft³	Pressure base
G–5311–001, D, Apr. 16, 1984	Skelly Oil Co., P.O. Box 12155, El Paso, Texas 79112.	Arkansas Louisiana Gas Co., Sibley Field, Webster Parish, Louisiana.	(1)	
C160–580–000, E	Cryogen, Inc., (Successor in interest to George R. Brown), 860 Jacinto Building, Houston, Texas 77002.	United Gas Pipe Line Co., Abbeville Field, Vermilion Parish, Louisiana.	(2)	14.73
C164–1384–000, E, Apr. 2, 1984	Southland Royalty Co., (Successor in interest to Shell Oil Co.), 200 Interfirst Tower on Burnett Park, Fort Worth, Texas 76102.	Arkansas Louisiana Gas Co., Sebastian County, Arkansas.	(3)	14.73
C178–572–001, F, Apr. 19, 1984	Grand Isle Oil and Gas Co., (Partial successor in interest to Prosper Energy Corp.), 2400 Thanksgiving Tower, Dallas, Texas 75201.	ANR Pipeline Co., Grand Isle Blocks 24 and 25, Offshore Louisiana.	(4)	14.73
G–10818–000, D, Apr. 23, 1984	Gulf Oil Corp., P.O. Box 2100, Houston, Texas 77252.	Panhandle Eastern Pipe Line Co., Singley Pool, Meade County, Kansas.	(5)	
Ci84–361–000, A, Apr. 10, 1984	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Transcontinental Gas Pipe Line Corp., Brazos Area Block A–132, Offshore Texas.	(6)	14.73

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf 1,000 ft³	Pressure base
CI84-362-000, (CI78-815), B, Apr. 13, 1984.	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Texas 75221.	United Gas Pipeline Co., Overton Field, Smith County, Texas.	(1)	
CI84-363-000, A, Apr. 13, 1984	Tenneco Oil Co., P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Co., West Cameron Block 638, Offshore Louisiana.	(2)	15.025
CI84-364-000, (CI77-514), B, Apr. 17, 1984.	Napeco Inc.	Natural Gas Pipeline Co. of America, Beckville N., (Cotton Valley) Field, Panola County, Texas.	(3)	
CI84-365-000 (CI77-529), B, Apr. 17, 1984.	do	Natural Gas Pipeline Co. of America, Beckville N., (Cotton Valley) Field, Panola County, Texas.	(10)	
CI84-366-000, F, Apr. 19, 1984	Petro-Hunt Corp., (Partial successor in interest to Hunt Petroleum Corp.), 2400 Thanksgiving Tower, Dallas, Texas 75201.	ANR Pipeline Co., W. Cameron Block 171, Offshore Louisiana.	(11)	14.73
CI84-367-000, F, Apr. 19, 1984	do	ANR Pipeline Co., Eugene Island Block 306, Offshore Louisiana.	(11)	14.73
CI84-368-000, F, Apr. 19, 1984	do	ANR Pipeline Co., Eugene Island Block 296, ("10" & "X" Sand), Offshore Louisiana.	(11)	14.73
CI84-369-000, F, Apr. 19, 1984	do	ANR Pipeline Co., W. Cameron Block 171, Offshore Louisiana.	(11)	14.73
CI84-370-000, F, Apr. 19, 1984	do	Trunkline Gas Co., South Marsh Island Blocks 268, 269 and 281, Offshore Louisiana.	(11)	14.73
CI84-371-000, F, Apr. 19, 1984	do	El Paso Natural Gas Co., Lancaster Hill Field, Crockett County, Texas.	(11)	14.73
CI84-372-000, F, Apr. 19, 1984	do	ANR Pipeline Co., Eugene Island Block 296, Offshore Louisiana.	(11)	14.73
CI84-373-000, F, Apr. 19, 1984	do	Northern Natural Gas Co., S. Six Mile Field, Beaver County, Oklahoma.	(11)	14.73
G-3894-019, D, Apr. 20, 1984	ARCO Oil and Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Texas 75221.	Texas Eastern Transmission Corp., Clay West and Tom Lyne Fields, Live Oak County, Texas.	(12)	
G-8751-000, E, Apr. 20, 1984	Cryogen, Inc., (Successor in interest to George R. Brown), 860 San Jacinto Building, Houston, Texas 77002.	Arkansas Louisiana Gas Co., Southeast Mayfield Field, Beckham County, Oklahoma.	(13)	14.73
G-16006-000, E, Apr. 18, 1984	El Paso Exploration Co., (Successor in interest to El Paso Products Co., P.O. Box 1492, El Paso, Texas 79978.	El Paso Natural Gas Co., Bisti Field, San Juan County, New Mexico.	(14)	14.73
CI67-152-002, D, Apr. 20, 1984	Sun Exploration and Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Oklahoma.	(15)	
CI61-1621-002, D, Apr. 20, 1984	Prosper Energy Corp., 2800 Thanksgiving Tower, Dallas, Texas 75201.	Montana Dakota Utilities Co., N. Tioga Area, N. Dakota.	(16)	
CI74-63-002, D, Apr. 20, 1984	do	do	(16)	
CI78-570-001, D, Apr. 20, 1984	do	ANR Pipeline Co., Ship Shoal, Blocks 290 & 291, Offshore Louisiana.	(16)	
CI78-572-002, D, Apr. 20, 1984	do	ANR Pipeline Co., Grand Isle, Block 24, Plaquemines Parish, Louisiana.	(16)	
CI78-583-001, D, Apr. 20, 1984	do	ANR Pipeline Co., Eugene Island, Block 306, Offshore Louisiana.	(16)	
CI78-584-001, D, Apr. 20, 1984	do	ANR Pipeline Co., Eugene Island, Block 296, Offshore Louisiana.	(16)	
CI78-587-001, D, Apr. 20, 1984	do	ANR Pipeline Co., Ship Shoal Block 204, 205, 207 and 216, Offshore Louisiana.	(16)	
CI78-701-001, D, Apr. 20, 1984	do	ANR Pipeline Co., Eugene Island, Block 296 ("10" & "X" Sand), Offshore Louisiana.	(16)	
CI79-92-002, D, Apr. 20, 1984	do	Southern Natural Gas Co., S. Marsh Island, Blocks 268, 269, 281, Offshore Louisiana.	(16)	
CI84-378-000, E, Apr. 23, 1984	Tenneco Oil Co., (Successor in interest to Union Oil Co. of California), P.O. Box 2511, Houston, Texas 77001.	Colorado Interstate Gas Co., Mocane Field, Beaver County, Oklahoma.	(17)	14.73
CI84-379-000, A, Apr. 23, 1984	Tenneco Oil Co., Houston Oil & Minerals Corp., TINCO, Ltd., Tenneco Exploration, Ltd., and Tenneco Exploration II, Ltd. P.O. Box 2511, Houston, Texas 77001.	City of Kings Mountain, Eugene Island 215 D, Offshore Louisiana. South Marsh Island 116 A, Offshore Louisiana Vermilion Block 50, Offshore Louisiana High Island A-270 B, Offshore Texas. West Cameron 638 B, Offshore Louisiana	(18)	14.73
CI84-380-000, A, Apr. 23, 1984	Tenneco Oil Co., Houston Oil & Minerals Corp., TINCO, Ltd., Tenneco Exploration, Ltd., and Tenneco Exploration II, Ltd. P.O. Box 2511, Houston, Texas 77001.	Virginia Natural Gas, Eugene Island 215 D, Offshore Louisiana. South Marsh Island 116 A, Offshore Louisiana, Vermilion Block 50, Offshore Louisiana High Island A-270 B, Offshore Texas. West Cameron 638 B, Offshore Louisiana	(19)	14.73
CI84-381-000, B, Apr. 23, 1984	Morris Atlas, Trustee, 5101 San Pedro Avenue, San Antonio, Texas 78212.	Natural Gas Pipeline Co. of America, South Lundell Field, Duval County, Texas.	(20)	
CI84-382-000, B, Apr. 23, 1984	do	Tenneco Oil Co., Piedre Lumbre Field, Duval County, Texas.	(20)	
CI84-383-000, B, Apr. 23, 1984	do	Tenneco Oil Co., Hagist Ranch Field and N. Government, Wells Field, Duval County, Texas.	(20)	
CI84-384-000, A, Apr. 23, 1984	Gulf Oil Corp., P.O. Box 2100, Houston, Texas 77252.	Aminoil USA, Inc., Louisiana Land and Exploration Co., Amerada Hess Co. and Marathon Oil Co.. Venice Natural Gas Processing Plant, Plaquemines Parish, Louisiana.	(21)	
CI84-385-000, (CI83-67-000), B, Apr. 24, 1984.	Energy Reserves Group, Inc., 217 North Water Street, P.O. Box 1201, Wichita, Kansas 67201.	Texas Gas Transmission Corp., Ramos Field, St. Mary Parish, Louisiana, Southern Louisiana Area.	(22)	
CI84-386-000, (CI73-236), B, Apr. 23, 1984.	do	Columbia Gas Transmission Corp., South Thornwell Field, Jefferson Davis & Cameron Parish, Louisiana.	(23)	
CI84-387-000, (CI64-917), B, Apr. 23, 1984.	do	Natural Gas Pipeline Co. of America, Boonesville Field, Jack County, Texas, Permian Basin Area.	(24)	
CI84-388-000, (G-4411), B, Apr. 23, 1984.	do	Arkansas Louisiana Gas Co., Ivan Field, Bossier Parish, Louisiana, Other Southwest Area.	(22)	
CI84-389-000, (CI83-229-000), B, Apr. 24, 1984.	do	Texas Gas Transmission Corp., Ramos Field, St. Mary Parish, Louisiana, Southern Louisiana, Southern Louisiana Area.	(22)	
CI84-390-000, (CI83-231-000), B, Apr. 24, 1984.	Energy Reserves Group, Inc., 217 North Water Street, P.O. Box 1201, Wichita, Kansas 67201.	Texas Gas Transmission Corp., Ramos Field, St. Mary Parish, Louisiana, Southern Louisiana Area.	(22)	
CI84-391-000, (CI83-230-000), B, Apr. 24, 1984.	do	do	(22)	

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf 1,000 ft³	Pressure base
CI84-392-000, F, Apr. 24, 1984	Louisiana-Hunt Petroleum Corp., (Partial successor in interest to Placid Oil Co.) 2800 Thanksgiving Tower, Dallas, Texas 75201.	Texas Eastern Transmission Corp., Lucky Field, Bienville Parish, Louisiana.	([25])	14.73
CI84-393-000, F, Apr. 24, 1984	do	United Gas Pipe Line Co., Castor Field, Bienville Parish, Louisiana.	([25])	14.73
CI84-394-000, F, Apr. 24, 1984	do	Texas Gas Transmission Corp., East Carterville Field, Bossier/Webster Parishes, Louisiana.	([25])	14.73
CI84-395-000, F, Apr. 24, 1984	do	Texas Gas Transmission Corp., Red Rock-N. Shongaloo Field, Webster Parish, Louisiana.	([25])	14.73
CI84-396-000, A, Apr. 24, 1984	Sohio Petroleum Co., P.O. Box 4587, Houston, Texas 77210.	Texas Eastern Transmission Corp., Eugene Island Area, Blocks 315, 316, and 329 Fields, Offshore Louisiana.	([26])	15.025
CI84-397-000, F, Apr. 24, 1984	The Superior Oil Co., (Partial successor in interest to Southland Royalty Co.) P.O. Box 1521, Houston, Texas 77251.	El Paso Natural Gas Co., Aneth Area, San Juan County, Utah.	([27])	14.73

[1] Well will not buck the pressure.
[2] By Act of Sale effective January 22, 1983, the date of death of Brown, trhe heirs and legatees of Brown, conveyed all their rights, titles, and interests in the lease dedicated under the contract, among others, to Cryogen.
[3] Effective July 1, 1983, Applicant acquired an undivided 100% interest in a portion of these leases from Samson Resources Company and hereby seeks authority, as successor in interest, only to render service previously authorized to Shell Oil Company.
[4] Effective August 1, 1983, Grand Isle Oil and Gas Company acquired an interest in the referenced property from Prosper Energy Corporation.
[5] By this assignment Gulf conveys to T. W. Mahoney a part of its interest in the Singley Pool, Meade County, Kansas.
[6] Applicant is filing under Gas Purchase Agreement dated March 29, 1984.
[7] Terms of the proposed contract and letters agreements are not acceptable to Applicant, so applicant is requesting that the sales to United be abandoned and terminated.
[8] Applicant is filing under Gas Purchase and Sales Agreement dated April 5, 1984.
[9] Napeco's interest in the Brown No. 1 Wells has been assigned to B & N Petroleum, Inc. by Conveyance and Assignment dated December 1, 1983.
[10] Napeco's interest in the Nettie Metcalf No. 1 Well has been assigned to B & N Petroleum, Inc. by Conveyance and Assignment dated December 1, 1983.
[11] Assignment, Conveyance and Bill of Sale effective September 1, 1983, in the referenced field, wherein Petto-Hunt Corporation acquired an interest in the reference property from Hunt Petroleum Corporation.
[12] Deletion of acreage. Applicant no longer holds an interest in the portion of the lease involved in this application. There was no production from the released acreage at the time of release on December 21, 1977.
[13] By Assignment effective April 1, 1983, Alice Pratt Brown, Individually and as Independent Executrix of the Estate of George R. Brown, Deceased, conveyed all of the leases dedicated under the Contract to Cryogen.
[14] By instruments of assignment executed on various dates in 1961, all to be effective January 1, 1961, EPX Company assigned the properties to El Paso Natural Gas Company and thence to El Paso Exploration Company.
[15] The E. E. Hill Unit No. 1, Conoco, Inc., Operator, was plugged and abandoned April 25, 1983.
[16] Rosewood Resources (PROS), Inc., is becoming a small producer.
[17] By Assignment dated July 20, 1983, Union has assigned its interest in the oil and gas leases to Tenneco Oil Company.
[18] Applicant is filing under Gas Purchase and Sales Agreement dated December 22, 1983.
[19] Applicant is filing under Gas Purchase and Sales Agreement dated April 14, 1984.
[20] Effective as of January 4, 1984, Mobil Producing Texas & New Mexico Inc. assigned its lease on such acreage to McAllen State Bank, Trustee, who in turn assigned the lease to Morris Atlas, Trustee.
[21] Well plugged and abandoned.
[22] Energy Reserves Group, Inc., has assigned all of its right, title and interest in all acreage covered under the subject Rate Schedule effective July 1, 1983.
[23] On October 6, 1981, the well was plugged and abandoned.
[24] Energy Reserves Group, Inc. has assigned all of its right, title, and interest in all acreage covered under the subject Rate Schedule effective September 1, 1982.
[25] Assignment, Conveyance and Bill of Sale effective June 13, 1983, Louisiana-Hunt Petroleum Corporation acquired an interest in the referenced property from Placid Oil Company.
[26] Applicant is filing under Gas Purchase Agreement dated February 27, 1984.
[27] By Exchange Agreement dated October 19, but effective September 1, 1983, all of the right, title and interest of Southland Royalty Company in certain of the properties involved in the sale was assigned to Applicant.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 84-12412 Filed 5-8-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP81-109-009]

Texas Eastern Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

May 3, 1984.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on April 27, 1984 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheet:

Sixty-ninth Revised Sheet No. 14

On August 14, 1981, Texas Eastern filed in Docket No. RP81-109-000, a general rate increase consisting, among other things, of a proposal to make changes to its I Gas Rate Schedule. Subsequent to the filing, numerous settlement conferences were held which resulted in a Stipulation and Agreement dated May 13, 1983 approved by the FERC on July 14, 1983. The settlement agreement reserved several issues for hearing including the issue of rate design.

On November 24, 1983, after having several settlement conferences on the reserved issues, Texas Eastern filed a Stipulation and Agreement for the purpose of settling the issue of rate design for rates under its I Gas Rate Schedule and the WS Excess Rate of its WS Rate Schedule. Under the Stipulation and Agreement Texas Eastern's I rate is to be equal to the corresponding 100% load factor DCQ rate in the respective zones in the summer (April 16-November 15) and the 75% load factor DCQ Zone D rate in the winter (November 16-April 15). In addition, Texas Eastern's WS Excess rate is to be designed on 151 days use rather than the 90 days use on which it is presently designed. The Stipulation and Agreement also provides that the WS Excess gas available for sale on any day during the winter period will be offered under Rate Schedule WS prior to offering gas pursuant to Rate Schedule I.

On February 3, 1984, the Commission approved Texas Eastern's Stipulation and Agreement as filed on November 24, 1983. However, subsequent to the February 3, 1984 Commission order, requests for rehearing were filed by the Municipal Defense Group and the Long Island Lighting Company.

On April 20, 1984, the Commission issued its order denying both requests for rehearing. Therefore, in accordance with the Stipulation and Agreement which provides that the settlement is effective when the Commission order approving it becomes final and no longer subject to rehearing the proposed effective date of the above mentioned tariff sheet is April 20, 1984.

Texas Eastern requests the Commission waive any requirements or regulations necessary to allow the above tariff sheet to become effective on April 20, 1984, the date the Commission issued its order denying both request for rehearing.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

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

North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before May 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12393 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-58-000 (PGA84-1, IPR82-3)]

Texas Gas Pipe Line Corp.; Notice of Tarriff Sheet Filing

May 3, 1984.

Take notice that on April 30, 1984, Texas Gas Pipe Line Corporation, pursuant to § 154.38 of the Commission Regulations under the Natural Gas Act, filed a Twelfth Revised Sheet No. 4a to its FERC Gas Tariff, Second Revised Volume No. 1. Texas Gas states that the filed Tariff Sheets relate to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision contained in Section 12 of the General Terms and Conditions of the Tariff. More specifically, Twelfth Revised Sheet No. 4a reflects a net decrease under that currently being collected of .42¢ per Mcf (at 14.65 psia) to be effective June 1, 1984.

Any person desiring to be heard and to make any protest with reference to said filing should on or before May 9, 1984, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protest in accordance with the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become a parties to proceeding or to participate as a party in any hearing must file a petitions to intervene in accordance with the Commission's rules. Texas Gas' Tariff filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12394 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-30-018]

Transcontinental Gas Pipe Line Corp.; Notice of Tariff Filing

May 3, 1984.

Take notice that on April 26, 1984, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

Revised Original Sheet No. 2439-A
Revised Original Sheet No. 2456-A
Revised Original Sheet No. 2473-A

Transco states that these tariff sheets provide for changes in the rates applicable to Transco's rate schedules X-242, X-243, and X-244 under which Transco provides certain transportation services within its production area for United Gas Pipe Line Company (United), Southern Natural Gas Company (Southern), and Columbia Gas Trasmission Corporation (Columbia Gas) and Columbia Gulf Transmission Company (Columbia Gulf), respectively.

It is stated that the attached tariff sheets are being filed in accordance with Article II of the "Interim Settlement Agreement As To Rates of Transcontinental Gas Pipe Line Corporation" (Interim Settlement) in Transco's Docket No. RP83-30, approved by the Commission as an uncontested settlement by letter order dated April 5, 1984, which provides that the rates in effect for Transco's production area transportation services prior to April 22, 1983, increased by 5% where permitted by contract, are effective in the period October 1, 1983 to March 31, 1984.

Transco proposes that the attached sheets be made effective October 1, 1983, which is the same effective date of the other production area transportation rates, approved for the period October 1, 1983 to March 31, 1984, pursuant to the Commission's approval of the Interim Settlement in Docket No. RP83-30. Transco states that copies of the instant filing have been served upon United, Southern, Columbia Gas and Columbia Gulf.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 2.14 and 2.11 of the Commission's Rules of Practice and Procedure (18 CFR § 385.211 and § 385.214). All such petitions or protests should be filed on or before May 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12395 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS84-61-000 et al.

Vintage Petroleum, Inc. et al.; Notice of Applications for "Small Producer" Certificates [1]

May 3, 1984.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make protest with reference to said applications should on or before May 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS84-61-000	4/5/84	Vintage Petroleum Inc., 502 South Main, Suite 400, Tulsa, Oklahoma 74103.
CS84-62-000	4/11/84	Galaxy Energies, Inc., P.O. Box 165, Corpus Christi, Texas 78403.
CS84-63-000	4/16/84	D. Rabun Smith, Jr., 141 De-Siard Street, Suite 409, Monroe, Louisiana 71201.
CS84-64-000	4/16/84	Enex Oil & Gas Income Program I, Series 11, whose general partner is Enex Resources Corporation, One Kingwood Place, Suite 202, Kingwood, Texas 77339.
CS84-65-000	4/19/84	Huffco Petroleum Corporation, P.O. Box 4436, Houston, Texas 77210.
CS84-66-000	4/23/84	S. G. Thompson, P.O. Box 329, Pleasantville, Pennsylvania 16341.
CS84-67-000	4/23/84	Shaw Energy Inc., P.O. Box 1407, Muskogee, Oklahoma 74402-1407.
CS84-68-000	4/23/84	Ragan Petroleum Inc., P.O. Box 2280, Muskogee, Oklahoma 74402.
CS84-69-000	4/23/84	J. P. Oil Company, P.O. Box 52584, Lafayette, Louisiana 70505.
CS84-70-000	4/23/84	J. B. Watkins, P.O. Box 1179, Borger, Texas 79008-1179.
CS84-71-000	4/24/84	Cambridge Royalty Company, *et al.*,[1] 911 Walker, Suite 1200, Houston, Texas 77002.
CS84-72-000	4/24/84	Rosewood Resources (POC), Inc., 2600 Thanksgiving Tower, Dallas, Texas 75201.
CS84-73-000	4/24/84	Rosewood Resources (PROS) Inc., 2600 Thanksgiving Tower, Dallas, Texas 75201.
CS84-74-000	4/24/84	Rosewood Resources (HPC), Inc., 2600 Thanksgiving Tower, Dallas, Texas 75201.
CS84-75-000	4/24/84	The Rosewood Corporation, 2600 Thanksgiving Tower, Dallas, Texas 75201.
CS84-76-000	4/24/84	Caroline Hunt Trust Estate, 2600 Thanksgiving Tower, Dallas, Texas 75201.
CS84-77-000	4/24/84	Caroline Hunt Schoellkopf, 2600 Thanksgiving Tower, Dallas, Texas 75201.
CS84-78-000	4/24/84	R. R. Minerals, Inc., 2600 Thanksgiving Tower, Dallas, Texas 75201.

[1] The other applicants in Docket No. CS84-71-000 are: Cambridge Related Assets, Inc.; Cambridge Royalty Company, General Partner, of Orion 1980 Royalty Fund; Cambridge Royalty Company, General Partner, of Orion 1981 Royalty Fund; Cambridge Royalty Company, General Partner, of Orion British-American Royalty Program; Cambridge Royalty Company, General Partner, of Orion British-American Drilling Fund; and Cambridge Royalty Company, General Partner, of Orio 1981 Drilling Fund.

[FR Doc. 84-12396 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-57-000]

Western Transmission Corp.; Notice of Proposed Changes

May 3, 1984.

Take notice that Western Transmission Corporation (Western), on April 30, 1984, tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, the following sheet: Twenty-Second Revised Sheet No. 3-A, superseding Twenty-First Revised Sheet No. 3-A.

The proposed changes would increase the monthly charges for purchased gas to Colorado Interstate Gas Company, Western's sole jurisdictional customer, pursuant to the provisions of Section 18 of Western's FPC Gas Tariff, Original Volume No. 1.

The proposed effective date of the above tariff sheet is June 1, 1984.

Copies of this filing have been served upon Colorado Interstate Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before May 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to made protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12397 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-33-000; Federal; No. 4-2-R well, FERC JD No. 84-17691, Federal No. 4-4-34R-2W well, FERC JD No. 84-17692]

Montana Pacific Oil and Gas Co., Petition to Reopen Well Category Determinations

Issued: May 4, 1984.

On April 20, 1984, the United States Department of Interior, Bureau of Land Management (BLM) filed a petition with the Federal Energy Regulatory Commission (Commission) to reopen well category determination for Montana Pacific Oil and Gas Company's Federal No. 4-4-34N-2W and Federal No. 4-2-R wells. Both of these wells received new, onshore reservoir determinations under section 102(c)(1)(C) of the Natural Gas Policy Act of 1978 (NGPA).[1] These wells are located in Toole County, Montana and the determinations applied to the Ellis-Madision reservoir.

In order for a reservoir to qualify as a new onshore reservoir under section 102(c)(1)(C) of the NGPA, the reservoir must not have produced gas in commercial quantities before April 20, 1977. A reservoir cannot qualify under this section if the reservoir was penetrated before April 20, 1977 by an old well from which crude oil or natural gas was or could have been produced in commercial quantities.

BLM states that its request to reopen is based on new information which indicates that commercial sales of natural gas from the Ellis-Madison reservoir were made prior to April 20, 1977. Department of Interior records show that the Neuman No. 2 well had an initial production rate of 1,000 Mcf per day from this reservoir and produced for a period of 32 years. The Neuman No. 4 well had an initial production rate of 3,000 Mcf per day, and there is no record of abandonment for this well. BLM states that based on the high initial production rates for the Neuman wells, it is unlikely that the gas produced was used exclusively for lease purposes. Other information indicates that sales were made from the Neuman No. 2 and No. 4 wells in the Ellis-Madison reservoir during the 1930's and 1940's by the Treasure State Pipeline Company to the Texas Refining Company.

Any person desiring to be heard or to protest this complaint should file within 30 days after notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceedings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12530 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[1] 15 U.S.C. 3301-3432 (1982).

[Docket No. ER84-407-000]

San Diego Gas & Electric Co.; Filing

May 4, 1984.

The filing Company submits the following:

Take notice that on April 26, 1984, San Diego Gas & Electric Company (SDG&E) tendered for filing an agreement entitled "Mutual Assistance Transmission Agreement" which has been executed by SDG&E, Southern California Edison Company (SCE), Imperial Irrigation District (IID) and Arizona Public Service Company (APS).

SDG&E states that under the terms and conditions of the agreements, SDG&E, SCE, IID and APS will allocate

existing and planned transmission capacity and provide for mutual assistance back-up transmission arrangements for certain transmission facilities.

The Agreement is proposed to become effective when accepted for filing by the Commission.

Copies of this filing were served upon the Public Utilities Commission of the State of California, SCE, IID, and APS.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 22, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12524 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI83-269-000]

Tenneco Oil Co.; Informal Conference

In the matter of Tenneco Oil Company, Houston Oil & Mineral Corporation, Tenneco Exploration, Ltd., Tenneco Exploration II, Ltd., TINCO, Ltd.

May 4, 1984.

Pursuant to the Commission orders issued November 10, 1983,[1] and January 16, 1984,[2] in this docket, the Commission Staff shall convene a conference concerning the status of the Tenneflex program to evaluate whether the implementation of Tenneflex is achieving the Commission's purpose in authorizing the program. The conference shall be held at 10:00 a.m. on May 24, 1984, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

All interested parties and Staff are invited to attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12525 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-80-000]

Transcontinental Gas Pipe Line Corporation.; Proposed Changes in FERC Gas Tariff

May 4, 1984.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 1, 1984 tendered for filing certain revised tariff sheets to Second Revised Volume No. 1 of its FERC Gas Tariff. Transco states that the purposes of this filing are (1) to impose an additional surcharge on customers who fail to purchase their Minimum Annual Quantities under Transco's Contract Demand (CD) and Annual Contract Quantity (ACQ) Rate Schedules to ameliorate the adverse impact of take-or-pay liabilities upon Transco or its affiliate, Transco Gas Supply Company, (2) to change the minimum bill provision of Transco's ACQ Rate Schedule from a monthly to an annual basis and (3) to eliminate the make-up provision from Transco's ACQ Rate Schedule.

The proposed effective date of this tariff filing is June 1, 1984. However, since Transco has agreed, as part of the Commission-approved settlement of its rate proceeding in Docket Nos. RP83-11-000 and RP83-30-000 to waive the minimum bill provisions for certain of its CD and ACQ customers for the contract year ending October 1, 1984, Transco anticipates that the Commission will suspend this filing for the full five month period provided in Section 4(c) of the Natural Gas Act.

Transco requests a waiver of the provisions of § 154.63(b)(2) of the Commission's Regulations and such other waivers of the provisions of the Regulations that may be required in order that the proposed changes may be implemented upon thirty days notice.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 2.14 and Rule 2.11 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such petitions or protests should be filed on or before May 10, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12527 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-338-005]

Trunkline Gas Co.; Petition To Amend

May 4, 1984.

Take notice that on April 4, 1984, Trunkline Gas Company (Petitioner), Post Office Box 1642, Houston, Texas 77001, filed in Docket No. CP78-338-005 a petition to amend the order issued November 15, 1978, in Docket No. CP78-338 pursuant to Section 7(c) of the Natural Gas Act to authorize a reduction in the contract quantities of natural gas transported for Panhandle Eastern Pipe Line Company (Panhandle) and a corresponding reduction in the monthly charges for the transportation service, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued November 15, 1978, it was authorized to transport 11,400 Mcf per day of natural gas for Panhandle from High Island Block A-511, offshore Louisiana, to a point of redelivery in Douglas County, Illinois. Petitioner further states that Panhandle has, in accordance with the gas transportation agreement which provides that Panhandle may, after five years, reduce the transportation quantity, requested that the transportation quantity be reduced to 6,600 Mcf per day effective September 1, 1984, as set forth in a January 11, 1984, amendment to the gas transportation agreement. Petitioner asserts that the monthly demand charge for the transportation service would be reduced to $120,043.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 25, 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

[1] 25 FERC ¶61,234 at 61,608 (1983).

[2] 26 FERC ¶61,030 (1984).

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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12528 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-340-007]

Trunkline Gas Co.; Petition To Amend

May 4, 1984.

Take notice that on April 4, 1984, Trunkline Gas Company (Petitioner), Post Office Box 1642, Houston, Texas 77001, filed in Docket No. CP78-340-007 a petition to amend the order issued July 25, 1978, as amended on September 12, 1980, in Docket No. CP78-340-000 pursuant to section 7(c) of the Natural Gas Act to authorize a reduction in the contract quantities of natural gas transported for Panhandle Eastern Pipe Line Company (Panhandle) and a corresponding reduction in the monthly charges for the transportation service, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued July 25, 1978, as amended September 12, 1980, it was authorized to transport 37,500 Mcf of natural gas per day for Panhandle from Vermilion Block 321, offshore Louisiana, to a point of redelivery in Douglas County, Illinois. Petitioner further states that Panhandle has, in accordance with the gas transportation agreement which provides that Panhandle may, after five years, reduce the transportation quantity, requested that the transportation quantity be reduced to 18,750 Mcf per day effective June 1, 1984, as set forth in a January 11, 1984, amendment to the gas transportation agreement. Petitioner asserts that the monthly demand charge for the transportation service would be reduced to $167,063

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 25, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12529 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1876-001]

Thomas C. Webb; Application

May 4, 1984.

The filing individual submits the following:

Take notice that on March 19, 1984, Thomas C. Webb filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President, Finance—Central Maine Power Company

Vice President—Maine Yankee Atomic Power Company

Director—Maine Yankee Atomic Power Company

Director—Maine Electric Power Company, Inc.

Director—Yankee Atomic Electric Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 23, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12526 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-77-000]

Western Gas Interstate Co., Proposed Changes in FERC Gas Tariff

May 3, 1984.

Take notice that on April 30, 1984 Western Gas Interstate Company ("Western") tendered for filing proposed changes in its FERC Gas Tariff to be effective on June 1, 1984, consisting of the following tariff sheets:

First Revised Volume No. 1

Title Page
Original Sheet Nos. 1 through 40

Original Volume No. 2

Eighth Revised Sheet No. 1A

Alternate First Revised Volume No. 1

Original Sheet Nos. 1 through 34

Western states that it is experiencing extraordinary market losses and a consequent erosion in earnings. It states that during the twelve months ended December 31, 1983, it suffered a net operating loss. Further, based on Western's test period projections at the currently effective rates, it will continue to operate at a net loss. Accordingly, Western requested in its filing that if the Federal Energy Regulatory Commission ("Commission") determined that the proposed tariff sheets should be suspended that such suspension not be for a period of more than one day.

In its application Western states that since its function is that of a gas supply extension of its affiliate Southern Union Company, Western needs the ability to adjust its charges in order to react to various volatile market and price factors affecting Western and Southern Union. Western states that it cannot do that under its traditional rate making method because any changes to rates must be effected under a Section 4 rate change filing which is costly and time consuming. Consequently, Western proposes to implement cost of service tariffs for its sales for resale under its Rate Schedules G-N and G-S.

Western is also proposing a change in cost allocation in regard to its rate schedules G-R, T-2 and T-3. In addition, Western proposes certain revenue crediting for services rendered under those rate schedules.

Western's application further states that it is proposing a change to the Purchased Gas Adjustment Provisions ("PGA") of its FERC Gas Tariff. These changes would permit Western to charge its customers for gas sold from gas exchange imbalances. Western has already prepaid for this gas, but has not charged its customer for the cost.

Western's PGA does not, however, permit Western to charge the cost of the exchange gas as it is sold. The proposed change allows Western to pass these costs through its PGA when the gas is sold.

Western is submitting alternative tariff sheets which reflect changes in the rates for service under Western's Rate Schedules G–N, G–R and G–S. These changes are based on Western's traditional ratemaking method.

The proposed changes would increase revenues from jurisdictional sales and transportation by $2,618,773 under the cost of service approach and $2,830,020 under the traditional ratemaking approach, based upon the calendar year 1983, as adjusted. Such revenue increase is exclusive of increases in purchased gas costs which will occur prior to the rates involved becoming effective, and which would otherwise be recovered through the purchased gas adjustment clause provisions of Western's tariff.

Western states that the principal reasons for the proposed increase are: (1) Increase in overall rate of return necessary to maintain its financial integrity; (2) increases in plant and related cost of service items; (3) increases in cost of materials, supplies, wages, services, and other operating expenses necessary to maintain and operate its pipeline system and appurtenances; (4) increases in taxes; and (5) recent significant decreases in the volume of gas sold by Western.

Copies, of the filing were served upon Western's jurisdictional customers and appropriate state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene of protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such petitions or protests should be filed on or before May 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84–12531 Filed 5–8–84; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. CP84–363–000]

ANR Pipeline Co.; Application

May 4, 1984.

Take notice that on April 24, 1984, ANR Pipeline Company, 500 Renaissance Center, Detroit, Michigan 48243 (Applicant), filed in Docket No. CP84–363–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and related facilities and the transportation of natural gas for others through such facilities, all as more fully set forth in the application on file with the Commission and open for public inspection.

Applicant proposes to construct and operate 62 miles of 42-inch O.D. pipeline between Kendall County, Illinois, and Porter County, Indiana, and 122 miles of 36-inch O.D. pipeline loop between Berrien County, Michigan, and Defiance County, Ohio. Furthermore, Applicant proposes to install a 9,000 horsepower compressor addition at its existing Sandwich Compressor Station located in Kendall, County, Illinois and a 26,000 horsepower compressor addition at its existing Defiance Compressor Station, located in Defiance County, Ohio, plus gas measurement facilities at the proposed interconnection with Ohio Interstate Pipeline Company (Ohio Interstate) in Defiance County, Ohio. The estimated capital cost of the facilities proposed by Applicant is $237 million in 1984 dollars which cost, Applicant states, would be financed initially with treasury funds, retained earnings and other funds generated internally, together with borrowings from banks under short-term lines of credit as required.

Applicant indicates that it proposes to render a firm transportation service for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Transcontinental Gas Pipe Line Corporation (Transco), Texas Eastern Transmission Corporation (TETCO), Boundary Gas, Inc. (Boundary), and Algonquin Gas Transmission Company (Algonquin)—hereinafter referred to jointly as Shippers—in the volumes set forth below:

Shipper	Summer receipts design day volume (Mcf)	Winter deliveries design day volume (Mcf)
Algonquin	51,900	51,500
TETCO	153,600	152,500
Transco	280,100	278,700
Tennessee	365,000	362,300
Boundary	53,400	53,000

Shipper	Summer receipts design day volume (Mcf)	Winter deliveries design day volume (Mcf)
Receipt from Northern Border at Sandwich	904,000	898,000
Transco's volumes (to) and from storage	(112,000)	336,500
Volumes retained for fuel	(14,400)	(10,500)
Total deliveries to Ohio Interstate	777,600	1,224,000

Applicant states that the proposed transportation service would be rendered in accordance with the terms of the *pro forma* agreements in Exhibit P of the application for a period of fifteen years.

Applicant proposed to change an initial rate of $7.41 per Mcf of contract demand per month for all Shippers' volumes transported from Kendall County, Illinois, to Defiance, Ohio. Applicant proposes an additional charge of $1.13 per Mcf per day contract demand per month for Transco's volumes and storage gas transported between Defiance, Ohio, and Applicant's Willow Meter Station located in Washtenaw County, Michigan (Willow). Applicant proposes a minimum monthly bill for all Shippers equal to the contract demand multiplied by the demand charge for the month. For volumes tendered by Shippers in excess of the contract demand, Applicant proposed to transport such volumes on a best-efforts basis and charge a rate of 24.38 cents per Mcf for transportation of such volumes from Kendall County, Illinois, to Defiance, Ohio, and for Transco's volumes and storage gas transported between Defiance, Ohio, and Willow rates of 2.61 cents and 22.81 cents per Mcf during the summer and winter periods, respectively.

Applicant states that the volumes of natural gas proposed to be transported for the Shippers on a firm basis is equal to the volumes of natural gas they presently propose to import from Canada into the northeastern United States (including the volume Transco proposes to store), plus fuel, in the consolidated proceedings presently pending before the Commission in *Boundary Gas, Inc., et al.*, Docket No. CP81–107–000, *et al.* (Phase II). In this regard, Applicant states that its proposal is part of an overall plan, known as the "United States Route", for transportation of the volumes of natural gas which are proposed to be imported by the Shippers from Canada and is competitive with and alternative to the proposals presently pending before the Commission for the transportation of such gas in the proceedings at *Boundary Gas, Inc., et al.*, Docket No. CP81–107–000, *et al.*

Applicant states that the United States Route would require Foothills Pipe Lines (Sask.) Ltd. (Foothills) to deliver the Shippers' gas to Northern Border Pipeline Company (Northern Border) at Monchy, Saskatchewan. Northern Border would thereafter transport the gas eastward in its facilities and, at the eastern terminus of the Northern Border system, near Ventura, Iowa, Northern Border would construct a new pipeline from Ventura, to an interconnection with the existing pipeline facilities of Applicant at Sandwich, Illinois. Applicant states that it would transport the gas delevered to it by Northern Border at Sandwich, Illinois, across its system to Defiance, Ohio. It is explained that at Defiance, Applicant would deliver the gas into the facilities proposed by Ohio Interstate in its application in Docket No. CP84-318-000 filed on March 26, 1984. In that docket, Ohio Interstate proposes to transport such gas to an interconnection with Tennessee in Mercer County, Pennsylvania, and to an interconnection with TETCO and Transco at Leidy, Pennsylvania, it is submitted. It is further explained that from those points, new and/or existing facilities of Shippers and/or other transporters would be utilized to transport the gas to markets. Applicant further indicates that Northern Border would file an application with the Commission to implement its portion of the overall proposal and that Foothills would cooperate with the Shippers for the transportation of their gas in Canada.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1984, file with the Federal 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 interene 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. 84-12544 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-481-009]

Arizona Public Service Co.; Supplemental Refund Report

May 4, 1984.

Take notice that on April 25, 1984, the Arizona Public Service Company submitted for filing its Supplemental Refund Report pursuant to a Commission letter of October 4, 1983, accepting the Rate Settlement Agreement between the Arizona Public Service Company (Company) and the Town of Wickenburg.

The Company states a subsequent examination revealed that an inadvertent error was made in the calculation of the original refund. For the billing months of July 1982 through July 1983, fifteen (15) minute integrated demands were used in place of thirty (30) minute demands. Based on this recalculation, a supplemental refund in the amount of $1,436.61 was made to Wickenburg on April 17, 1984.

The Company further states that a copy of this filing and all attachments has been served on the Town of Wickenburg and the Arizona Corporation Commission.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, on or before May 21, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12545 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-404-000]

Carolina Power & Light Co.; Filing

May 4, 1984.

The filing Company submits the following:

Take notice that on April 23, 1984, Carolina Power & Light Company (CP&L) tendered for filing an Amendatory Agreement TV-32977A, Supplement 5, dated January 4, 1984, between Tennessee Valley Authority and CP&L, revising the Interchange Agreement with Tennessee Valley Authority, CP&L FERC No. 95. These revisions provide for transmission service adjustments for third party transactions under Service Schedules A, B, and D and short-term power of periods less than one week, Service Schedule D.

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12547 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP73-95-003]

Columbia Gas Transmission Corp.; Petition To Amend

May 4, 1984.

Take notice that on March 23, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP73-003 a petition to amend further the Commission's order issued on December

6, 1972, in Docket No. CP73-95,[1] as amended by orders issued June 6, 1975, July 20, 1976, August 5, 1977, and May 23, 1978, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

In its amending order of July 20, 1976, in Docket No. CP73-95 the Commission authorized the construction and operation of the following project so the Artemas-B storage reservoir located in Bedford County, Pennsylvania, could be extended.

Project III: (1) Convert Production Well No. L-4919 (now referred to as Well No. 12046) to storage, and (2) drill three new storage wells. Associated pipelines and appurtenant measuring regulating, heating and dehydration facilities were to be constructed and operated as the wells were completed or drilled. Further, Columbia proposed to obtain storage rights on approximately 5,000 additional acres for extension of the Artemas-B Storage Field. The amending order authorizing the additional storage facilities needed to extend the field was conditioned upon Columbia's obtaining the additional storage rights on the 5,000 acres needed within one year from issuance of the aforementioned order. Storage rights were not acquired within the specified time period. Columbia requested and the Commission issued amending orders on August 5, 1977, and May 23, 1978, which orders extended the time to July 20, 1978, and July 20, 1979, respectively, for Columbia to obtain the storage rights on the acreage necessary to extend the Artemas-B Storage Field.

The July 20, 1976, amending Commission order also granted Columbia permission to abandon the measuring facility constructed and operated pursuant to Commission order issued December 6, 1972, since it would no longer be useful in the extended Artemas-B Storage Field.

Columbia drilled one of the additional wells proposed for expansion to the Artemas-B Storage Field, which was a dry hole. Since the first well was a dry hole, Columbia cancelled the drilling of the two additional wells and related facilities.

Storage rights on approximately 3,400 acres of the additional 5,000 acres proposed for the expansion program were acquired. Negotiations for the remaining 1,600 acres have been terminated. Based on its reevaluation of the effective storage capacity of the Artemas-B reservoir, Columbia does not believe storage rights on the remaing 1,600 acres are necessary to protect the field.

The existing measuring facility on the Artemas-B Storage Field has been retained in service, in lieu of abandoning the facility as previously proposed.

Columbia now proposes to operate the Artemas-B Storage Field by utilizing the two existing northern storage wells for injection and withdrawal of storage volumes through the existing storage pipeline and measuring facilities. Well No. 12046 will be utilized only for the withdrawal of storage volumes. However, in order to utilize this well Columbia proposes to construct and operate a short interconnecting pipeline (0.06 mile) and a related measuring facility. These proposed facilities will connect Storage Well No. 12046 to an existing transmission pipeline. Therefore, Columbia requests the Commission to issue an amendment to its July 20, 1976, order to

(1) Conform the facilities authorized to the facilities actually installed in the Artemas-B Storage Field and delete the abandonment authority which is no longer required.

(2) Authorize the construction and operation of the proposed interconnecting facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 25, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12548 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[1] This proceeding was commenced before the FPC by joint regulation of October 1, 1977 (10 CFR 1000.1), was transferred to the Commission.

[Docket No. EL84-12-000]

Confederated Salish and Kootenai Tribes; Filing

May 4, 1984.

Take notice that on April 16, 1984, the Confederated Salish and Kootenai Tribes of Flathead Reservation ("Tribes") filed an application under sections 205, 206, 211 and 212 of the Federal Power Act ("Act"). The application seeks a Commission order directing the Montana Power Company ("MPC") to provide transmission services on reasonable terms and conditions.

In 1976 MPC filed an application for a new license for the Ken Hydro-Electric Project, currently licensed by the Commission to the MPC as Project No. 5 ("Project"). The Tribes filed a competing license application designated as Project No. 2776. Both applications were set for hearing which is scheduled to commence in July 1984.

The Tribes state that they have no transmission lines of their own and thus seek to obtain wheeling service from the MPC. In the event the Tribes received the new license to the Project, MPC has declined to commit itself to wheel the Project output to MPC's interconnection with the Bonneville Power Administration for the Tribes.

The Tribes intend to establish as part of their proposal to operate the Project that the necessary wheeling service could be provided by MPC. Thus, the Tribes seek from the Commission, in the event that MPC refuses voluntarily to provide such wheeling, an order directing MPC pursuant to sections 205, 206, 211 and 212 of the Federal Power Act to wheel the output of the Project to any of MPC's interconnections with other utilities, including BPA, to the extent needed and for as long as permitted by system capability and prudent utility practice.

Concurrent with this filing, the Tribes filed a motion to have Docket No. EL84-12-000 consolidated with the ongoing hearing proceeding designated Project Nos. 5-004 and 2776-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 18, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to interevene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12549 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-405-000]

Delmarva Power & Light Co.; Filing

May 4, 1984.

Take notice that on April 25, 1984, Delmarva Power & Light Company (Delmarva) tendered for filing a Supplement to the Service Agreement between Delmarva and Choptank Electric Cooperative (FERC Rate Schedule No. 52).

Delmarva states that this Supplement provides for an additional 59 kV delivery point at Longwood Substation located on Route 50 between Easton and Wye Mills, Maryland.

Delmarva requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Choptank Electric Cooperative, Old Dominion Electric Cooperative and the Maryland Public Service Commission.

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12550 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-406-000]

Delmarva Power & Light Co.; Filing

May 4, 1984.

The filing Company submits the following:

Take notice that on April 25, 1984, Delmarva Power & Light Company (Delmarva) tendered for filing supplements to service agreements between Delmarva and its three electric cooperative customers, A & N Electric Cooperative (FERC Rate Schedule No. 53), Delaware Electric Cooperative, Inc. (FERC Rate Schedule No. 51) and Choptank Electric Cooperative. (FERC Rate Schedule No. 52). Delmarva states that the purpose of the supplements are to effect, at the request of the three cooperatives, assignments (effective December 21, 1983) of the service agreements to Old Dominion Electric Cooperative pursuant to Article 7 of the service agreements between Delmarva and the three cooperatives.

Delmarva requests that the Commission waive the notice requirements.

Copies of this filing were served upon Old Dominion Cooperative, A & N Electric Cooperative, Choptank Electric Cooperative, Inc., Delaware Electric Cooperative, Inc., Virginia State Corporation Commission, Maryland Public Service Commission and the Delaware Public Service Commission.

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12551 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-43-000]

El Paso Electric Co.; Application

May 4, 1984.

Take notice that on April 30, 1984, El Paso Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission (Commission) seeking authority pursuant to Section 204 of the Federal Power Act to assume liability for borrowings by Big Bend Resources Trust, an independent Trust established for the principal purpose of providing financing for the Applicant's fuel oil requirements, to issue its short-term obligations and commercial paper to such Trust and applying for an exemption of such transactions from the competitive bidding requirements of the Commission.

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 May 15, 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. 84-12552 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2100-000]

Richard I. Fricke; Application

May 4, 1984.

The filing individual submits the following:

Take notice that on April 4, 1984, Richard I. Fricke filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director: Green Mountain Power Corp.
Director: Equity Services, Inc.
Director: Sentinel Advisors, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 23, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12557 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER80-315-000, ER-450-001 and EL81-11-000]

Kansas City Power & Light Co.; Compliance Filing

May 4, 1984.

Take notice that on April 30, 1984, Kansas City Power & Light Company (KCPL) submitted for filing a supplemental to its compliance report of January 19, 1984, in compliance with the Commission's Order of March 3, 1983, and in compliance with a letter from the Commission Staff dated December 23, 1983. The report shows that refunds are owing to all but four of KCPL's jurisdictional customers, and that refunds are owing to KCPL from those four remaining customers (Union Electric Company, City of Marshall, Missouri, City of Pomona, Kansas, and Coffey County Rural Electric Cooperative Association, Inc.), by virtue of the Commission's Order of March 3, 1983.

Copies of this filing are being sent to all parties of record.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 21, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12554 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-55-000 (PGA84-2)]

Mountain Fuel Resources, Inc.; Change in Rates

May 4, 1984.

Take notice that Mountain Fuel Resources, Inc. (Resources) on May 1, 1984, tendered for filing and acceptance a proposed change in rates applicable to service rendered under its Rate Schedule No. 1 affected by and subject to Resources' *Purchased Gas Cost Adjustment Provision* (PGA). Resources filed Twenty-First Revised Sheet No. 7 and Ninth Revised Sheet No. 7-A, proposing an effective date for the tariff sheets of June 1, 1984.

Resources states that Twenty-First Revised Sheet No. 7 reflects an increase in Resources' Base Cost of Purchased Gas as Adjusted of $O.1943/Mcf and a change in its surcharge adjustment from $(0.4349)/Mcf to $(0.1877)/Mcf for a net increase in the rate charged under Rate Schedule No. 1 of $0.4415/Mcf.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 10, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12555 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-284-000]

Alaska Energy Management, Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

May 4, 1984.

On April 23, 1984, Alaska Energy Management, Corp., (Applicant) of 1445 Palisades Drive, Pacific Palisades, California 90272, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at Healy, Alaska. The Applicant states that the primary energy source for the facility will be 'waste' coal. The useful thermal energy output from the facility, which will be in the form of steam, will be utilized by the Usibelli Coal Mine for space heating and in the coal mining process. The electric power production capacity of the facility will be 25 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should filed a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12543 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-287-000]

ARS Group, Inc., Application for Commission Certification of Qualifying Status of a Small Power Production Facility

May 4, 1984.

On April 24, 1984, ARS Group, Inc. (Applicant), of 15 Clark Road, Wellesley, Maine 02181, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located on West High Street in South Paris, Maine. The primary energy source will be biomass in the form of wood residues and whole tree chips. The electric power production capacity will be 12.5 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12546 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-179-001]

Fischbach Corp.; Application for Amendment to Commission Certification of Qualifying Status of a Cogeneration Facility

May 4, 1984.

On April 24, 1984, Fischbach Corporation (Applicant) of 485 Lexington Avenue, New York, New York 10017, submitted for filing an application for amendment to certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the Spaulding Fibre Company, Inc., 310 Wheeler, Tonawanda, New York 14150. The facility will consist of two combustion turbine-generators with waste heat recovery boilers. The useful thermal energy output, which is in the form of steam, will be sold to Spaulding Fibre Company, Inc. for use in space heating and paper production processes. The primary energy source for the facility will be natural gas. The electric power production capacity of the facility will be 54 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12553 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-282-000]

National Ecology, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

May 4, 1984.

On April 16, 1984, National Ecology, Inc. (Applicant) of 30423 Canwood Street, Suite 207, Agoura Hills, California 91301, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located at National Ecology, Inc. 2599 "A" Avenue, Ogden, Utah 84401. The primary energy source will be biomass in the form of municipal solid waste. The electric power production capacity will be approximately 8,000 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12556 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeal, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $24,000 obtained as the result of a Consent Order which the DOE entered into with Pan American Liquids Service Co., and its subsidiary Desertaire Oil & Gas Co.(Desertaire).

Date and address: Applications for refund of a portion of the Desertaire consent order funds must be received within 90 days of publication of this notice in the **Federal Register** and should be addressed to: Desertaire Oil & Gas Co. Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision relates to a consent order entered into by Desertaire Oil & Gas Co., which settled possible pricing violations in the firm's sales of propane and butane to customers during the November 1, 1973 through December 13, 1973 audit period.

A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the Desertaire consent order funds was issued on January 16, 1984. 49 FR 6548 (February 22, 1984).

As the Decision and Order published with this Notice indicates, applications for refunds may now be filed by customers who purchased propane and/or butane from Desertaire during the audit period. Applications will be accepted provided they are received no later than 90 days after publication of this Decision and Order in the **Federal Register**. The specific information required in an application for refund is set forth in the Decision and Order.

Dated: May 2, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 2, 1984.

Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Pan American Liquids Service Co./Desertaire Oil & Gas Co.
Date of Filing: October 13, 1983
Case Number: HEF-0061

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration (ERA) of the DOE may petition the Office of Hearings and Appeals (OHA) to formulate and implement special refund procedures in order to remedy the effects of alleged violations of the DOE price and allocation regulations. See 10 CFR Part 205, Subpart V. The ERA filed such a petition on October 13, 1983, requesting that OHA establish special refund procedures for the distribution of monies received pursuant to a consent order entered into by the DOE and Pan

American Liquids Service Co., and its subsidiary, Desertaire Oil and Gas Co. (herein jointly referred to as Desertaire).

Desertaire is a reseller of propane and butane, and is located in El Paso, Texas. a DOE audit of Desertaire's business records revealed probable pricing violations with respect to the firm's sales of propane during the period from November 1, 1973 through December 13, 1973 (the audit period). On November 4, 1977, a Notice of Probable Violation (NOPV) was issued to Desertaire in connection with these alleged violations. In order to settle all claims and disputes between Desertaire and the DOE regarding the firm's compliance with DOE price regulations in sales of propane and butane during the audit period, Desertaire and the DOE entered into a consent order on February 19, 1980. In the consent order, Desertaire agreed to pay $24,000 to the DOE. Notice of the consent order was published in the **Federal Register**, 45 FR 13501 (February 29, 1980), and interested parties were invited to submit comments or notice of potential claims against the Desertaire settlement fund. No comments or claims were filed.

The procedural regulations of the DOE set forth general guidelines by which OHA may formulate and implement a plan of distribution for funds received as a result of enforcement proceedings. The Subpart V process may be used in situations where the DOE is unable to readily identify persons who have been injured by alleged or adjudicated overcharges, or unable to readily ascertain the amounts that such persons may be entitled to receive. For a detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶ 82,553 (1983); *Office of Enforcement*, 9 DOE ¶ 82,1508 (1981).

On January 16, 1984, we issued a Proposed Decision and Order in which we determined that it was appropriate to establish a Subpart V proceeding with respect to the Desertaire consent order fund. In that Proposed Decision, we tentatively established special refund procedures to be used in evaluating refund claims filed against the Desertaire settlement fund. The Proposed Decision was published in the **Federal Register** on February 22, 1984, (49 FR 6548) and comments on the proposed refund mechanism were due to be submitted within 30 days of publication. Comments were received from the States of Texas, Arkansas, Delaware, Kansas, Iowa, Louisiana, North Dakota, Rhode Island and West Virginia. These comments requested that any monies remaining in the Desertaire settlement fund after refunds are made to Desertaire customers who file mertorious claims be distributed to state governments for use in energy-related projects. No comments were received which addressed the proposed mechanics of the refund process itself.

After considering the record established in this proceeding, we have determined that the porcedures suggested in the Proposed Decision shall be utilized to distribute the Desertaire settlement fund. As we stated in the Proposed Decision, in so far as possible the $24,000 consent order fund should be distributed to Desertaire customers who were adversely affected by any overcharges that may have occurred in Desertaire's sales of propane and butane (the two covered products within the scope of the consent order) during the approximately six-week consent order period between November 1 and December 13, 1973. The NOPV that was issued to Desertair identifies only one customer which Desertaire allegedly overcharged during the period. That firm is Farmland Industries, Inc. (Farmland), an agricultural cooperative association located in Kansas City, Missouri, which is owned by over 2,000 local cooperatives. We stated in the Proposed Decision that while we may ultimately decide to distribute the entire settlement amount to Farmland, such a determination would be premature because there may be other Desertaire customers which would be eligible for refunds from the consent order fund. We continue to believe this may be the case and will accordingly establish procedures which provide the opportunity for such customers to file calims.

As stated in the Proposed Decision, all parties which believe they are entitled to a portion of the fund must submit documentation to support their refund claims. Any claimant which is an end-user (consumer) of Desertair propane or butane need only provide purchase volume verification to be eligible for a refund. Reseller claimants (wholesalers and retailers) must generally demonstrate that they were injured by Desertaire's pricing practices in addition to documenting their claimed purchases. While there are a variety of means by which a claimant could make this showing, a reseller should generally demonstrate that market forces prevented it from increasing its sales prices to reflect any or part of the alleged overcharges. Also, a reseller advancing a refund claim must show that it maintained a "bank" of unrecouped product costs through the remaining period of price controls which is sufficient to accommodate the refund requested. While the existence of such a bank is necessary to confirm that the reseller did not subsequently recover the alleged overcharges by increasing its prices, it is not sufficient by itself to demonstrate injury.

As outlined in the Proposed Decision, reseller claimants requesting relatively small refunds shall be exempt from the demonstration of injury requirement. We have established a 57,000 gallon purchase volume threshold for each product. Any reseller claimant which establishes that it purchased this amount or less of Desertaire propane and/or butane during the one and one half month consent order period will not be required to prove that it was injured by Desertaire's pricing practices in order to qualify for a refund.

Because of its status as an agricultural cooperative association, Farmland also will be exempt from the demonstration of injury requirement discussed above. This determination reflects our belief that any overcharges paid by Farmland in its transactions with Desertaire were passed along to its owner/members. Provided Farmland agrees to distribute its refund among its member cooperatives, the firm need only produce purchase claim verification in order to receive a refund. *See OKC Corp./ Chemical Express Carriers, inc.*, 11 DOE ¶ 85,051 (1983).

In determining the level of refunds granted in this proceeding, we will take into consideration the information available in the DOE audit files pertaining to the Desertaire enforcement proceeding. As we have stated in previous cases, the information in an NOPV or DOE audit file, while not conclusive, is often useful in formulating refund procedures. *See e.g., Armstrong & Associates/City of San Antonio*, 10 DOE ¶ 85,050 at 88,259–63 (1983). As indicated earlier, the NOPV issued in the present proceeding identifies Farmland as the only customer which Desertaire allegedly overcharged during the consent order period. According to information in the audit file, the amount of the alleged overcharges to Farmland was $72,605. In view of this information, we will consider distributing the entire consent order amount of $24,000 plus interest to Farmland.

However, as stated in the proposed decision, there remains the possibility that other customers may be entitled to a portion of the consent order fund. With respect to successful claimants other than Farmland, we have decided to calculate refunds by using a

volumetric method. Under this approach, a per gallon refund amount will be calculated by dividing the settlement amount by the total volume of propane and butane sold by Desertaire during the consent order period. Successful claimants will receive refunds based on their eligible purchase volumes multiplied by the volumetric refund amount, plus a proportionate share of the interest accrued on the consent order fund since it was remitted to the DOE.*

Finally, in the event that the entire consent order fund is not distributed to purchasers of Desertaire product, we will establish procedures for a second Stage of this proceed.

Application for refund procedures

We have concluded that Applications for Refund should now be accepted from parties who purchased propane or butane from Desertaire during the consent order period. The requirements for Applications for Refund are discussed below.

Applications for Refund of a portion of the Desertaire consent order fund must be filed within 90 days after the publication of this Decision and Order in the **Federal Register.** *See* 10 CFR 205.283. An application must be in writing, signed by the applicant, and specify that it pertains to the Desertaire consent order fund, Case Number HEF-0061. If the applicant is not a direct purchaser from Desertaire, it should indicate from whom the propane or butane was purchased and indicate what basis the applicant has for its belief that the product which it purchased originated from Desertaire.

All applications for refund must be filed in duplicate. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, 1000 Independence Avenue, SW., Room 1E-234, Washington, D.C.. Any applicant who believes that his application contains confidential information must so indicate on the first page of his application and submit two additional copies of his application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application shall indicate whether the applicant or any person acting on his instructions has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in the underlying enforcement proceeding. Each application shall also include the following statement: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief. *See* CFR 205.283(c); 18 U.S.C. 1001. In addition, applicant should furnish us with the name, position title, and telephone number of a person who may be contacted by the OHA for additional information concerning the application. All applications should be sent to: Desertaire Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585. All applications for refund received within the time limit specified will be processed pursuant to 10 CFR 205.284.

In order to assist applicants in establishing eligibility for a portion of the consent order funds, the following information should be included in each application filed by a purchaser of Desertaire propane or butane:

A. Each applicant should establish its volume of purchases for which it is claiming it was injured by the alleged overcharges.

B. Each applicant should specify how it used the Desertaire porduct, e.g., as a petrochemical producer, refiner, reseller, retailer, or ultimate user.

C. If the applicant is a refiner, reseller or retailer (other than an agricultural cooperative) which claims a refund for a purchase volume of more than 75,000 gallons of propane or butane from Desertaire during the consent order period, it should:

(i) State whether it maintained banks of unrecouped product cost increases from the date of the alleged violation through January 27, 1981. It should furnish the OHA with quarterly bank calculations for the entire period.

(ii) State whether it or any of its affiliates have filed any other Applications for Refunds which might affect its level of banks.

(iii) Submit evidence to establish that it did not pass on the alleged injury to its customers. For example, a firm may submit market surveys to show that price increases to recover alleged overcharges were infeasible.

D. The applicant should report whether it or any of its agents or principal officers is or has been involved as a party in DOE or private, Section 210 enforcement actions and whether it or any of its agents or principal officers has been the subject of a criminal investigation or proceeding in connection with violation of DOE regulations. If these actions have terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. Of course, the applicant is under a continuing obligation to keep the OHA informed of any change in status during the pendency of its application for refund. *See* 10 CFR 205.9(d).

It Is Therefore Ordered That:

(1) Applications for refunds from the funds remitted to the Department of Energy by Pan American Liquids Service Company and its subsidiary, Desertaire Oil & Gas Co., pursuant to the Consent Order executed on February 19, 1980, may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register.**

Dated: May 2, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

Footnote

*As in previous cases, we will establish a minimum refund amount of $15.00 for first stage claims. In prior special refund cases, we have not approved refunds for less than $15.00 (the approximate cost to the government of issuing refund checks) because the cost to the public of issuing such small refunds exceeds the restitutionary benefits that may be achieved. *See e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982).

[FR Doc. 84-12559 Filed 5-8-84; 8:45 am]

BILLING CODE 6450-01-M

Special Refund Procedures; Convening of Evidentiary Hearing and Solicitation of Comments

AGENCY: Office of Hearing and Appeals, DOE.

ACTION: Notice of convening of evidentiary hearing and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the convocation of an evidentiary hearing and solicitation of comments in its fact-finding mission to determine the impact of overcharges found to have occurred in *The Department of Energy Stripper Well Exemption Litigation*, No. MDL 378 (D. Kan.).

ADDRESS AND DATES: All written matters should be addressed to: Marcia B. Proctor, Chief, Docket and Publications Branch, Office of Hearings and Appeals, Forrestal Building, 1000 Independence Ave., SW., Washington, D.C. 20585.

The following schedule will be followed:

Filing of requests to receive witness nominations: May 22

Filing of witness nominations: May 30

Filing of comments on recalculation of positions of Entitlements Program participants: May 30
Pre-hearing conference: June 8
Filing of requests to receive documentary evidence: June 22
Filing of evidentiary documents: June 28
Evidentiary Hearing: July 10

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, D.C. 20585, (202) 252–2094 (Mann); 252–2383 (Klurfeld).

SUPPLEMENTARY INFORMATION: On September 13, 1983, United States District Judge Frank G. Theis referred the remedy stage of The Department of Energy Stripper Well Exemption Litigation, No. MDL 378 (D. Kan.), to the Office of Hearings and Appeals of the Department of Energy (OHA). The court's order directed the OHA to conduct fact-finding to attempt to determine who bore the impact of crude oil overcharges at issue in that litigation and in what amounts. Pursuant to the September 13 referral order, the OHA issued a notice which outlined the major issues involved in this case and solicited comments from the public as to the procedures that should be followed to accomplish the fact-finding mission assigned by the court. 48 FR 57608 (December 30, 1983).

The Decision and Order set forth below announces a date for a hearing and the procedures to be used to receive evidence concerning the impact of crude oil overcharges through the refiner level of the petroleum industry. The determination also specifies issues on which the OHA invites the submission of documentary evidence and the offer of testimony at the evidentiary hearing.

Pre-hearing procedures are also set forth in the attached Decision and Order. The following schedule will be followed:

Action required	Date
Filing of requests to receive witness nominations.	May 22.
Filing of witness nominations	May 30.
Filing of comments on recalculation of positions of Entitlements Program participants.	May 30.
Prehearing conference	June 8.
Filing of requests to receive documentary evidence.	June 22.
Filing of evidentiary documents	June 28.
Evidentiary Hearing	July 10.

We encourage parties to make filings as soon as possible. However, all filings must be *actually received* by the Office of Hearings and Appeals on or before the dates set forth above. All filings should be addressed to Marcia B. Proctor, Chief, Docket and Publications Branch, Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, D.C. 20585. All filings, as well as the envelope, should be labeled "Stripper Well Exemption Litigation/Refiner Evidentiary Hearing/[Subject (*e.g.*, Recalculation of Entitlements Position, Request to Receive Witness Nominations)]" and should bear Case No. HFH–0026. Interested parties need not be served with any documents filed with the Office of Hearings and Appeals; the OHA will undertake to serve copies of witness nominations and documentary evidence on persons who request those documents.

The Decision and Order set forth below describes a methodology by which the positions of participants in the Crude Oil Entitlements Program, 10 CFR 211.67, may be recalculated for the entire period of operation of the program, November 1974 through January 28, 1981. Comments on this methodology are solicited. Any interested person may request that it receive by mail all comments concerning the recalculation of Entitlements Program positions. Such requests should be in writing and labeled "Stripper Well Exemption Litigation/Refiner Evidentiary Hearing/Request to Receive Recalculation of Entitlements Position Comments." Copies of all comments will be available after May 30, 1984, in the Public Docket Room of the Office of Hearings and Appeals (Room 1E–234, 1000 Independence Ave., SW., Washington, D.C.).

Issued in Washington, D.C., on May 2, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy; Evidentiary Hearing

Name of Case: Stripper Well Exemption Litigation.

Case Number: HFH–0026.

On September 13, 1983, United States District Judge Frank G. Theis referred the remedy stage of The Department of Energy Stipper Well Exemption Litigation, No. MDL 378 (D. Kan.), to the Office of Hearings and Appeals of the Department of Energy (OHA). The court's order directed the OHA to conduct fact-finding to attempt to determine who bore the impact of overcharges at issue in that litigaion and in what amounts. In this Decision and Order, the OHA directs that a hearing be convened for the purpose of receiving evidence regarding the impact of the overcharge through the refiner level in the petroleum industry.

I. Background

Pursuant to the September 13 referral order, on December 12, 1983, the OHA issued a notice which outlined the major issues involved in this case and solicited comments from the public as to the procedures that should be followed to accomplished the fact-finding mission assigned by the court. 48 F.R. 57608 (1983) (hereinafter referred to as the December 12 Notice). Attention was directed to specific matters for comment. The notice stated that the fact-finding process could best be undertaken by dividing the proceeding into three parts, based upon the different levels in the chain of distribution for petroleum products during the period concerned: (i) refiners, (ii) resellers, and (iii) consumers. With respect to refiners, the notice outlined four theories that could be helpful in the fact-finding mission. Comments on the notice were invited, and over 100 comments were received.

The September 13 referral order required the OHA to submit progress reports to the court on or before March 13 and September 13, 1984. In its first report, the OHA discussed the December 12 Notice as well as a number of comments that had been filed in response to that notice. In view of the court's request that a full factual record be developed, the report stated that we would convene a series of hearings for the purpose of receiving evidence from all parties. The report further stated that the first hearings would focus on the impact of the overcharges through the refiner level in the petroleum industry.

The purpose of this Decision and Order is to announce a date for the hearing and the procedures to be used to receive evidence concerning the impact of the overcharge through the refiner level. In the interest of developing a full factual record, it is likely that subsequent hearings will be held to focus on the two other primary levels of distribution in the petroleum industry, *viz.*, product resellers and consumers of petroleum products. The present determination also specifies issues on which the submission of evidence is invited. Any party may request that evidence the taken on any other issue which it believes concerns the impact of the overcharges through the refiner level of distribution. Pre-hearing procedures are also set forth below.

II. Issues to be Considered at the Evidentiary Hearing

The December 12 Notice issued by the Office of Hearings and Appeals set forth four analytic frameworks that have been

suggested for determining the impact of crude oil overcharges through the refiner level of the petroleum industry. Those four theories can be characterized as follows: (1) The court's approach in the Hawkins Field litigation, (2) an analysis of refiner profit margins during the controls period, (3) an analysis of refiner cost banks during the controls period, and (4) marginal economic analysis. All of these theories are susceptible to analysis of evidentiary materials, and we invite the submission of written evidence and the testimony of witnesses concerning each of these theories. It also appears that evidence concerning additional matters should be received in order to develop a complete factual record in this case. Any interested party may propose to offer evidence that supports analysis different from those set forth in this determination by filing witness nominations.

A. Impossibility or Infeasibility of Tracing the Impact of Crude Oil Overcharges

In *United States* v. *Exxon Corp.*, 561 F. Supp. 816 (D.D.C. 1983), the court dealt with the issue of tracing the impact of crude oil miscertifications similar to those involved in this case. The court found that Exxon had caused overcharges in sales of crude oil which it produced from the Hawkins Field in Texas by approximately $900 million, and that the oil had been miscertified to the Entitlements Program. The court concluded that the Entitlements Program spread the burden of Exxon's overcharges among all refiners. *Id.* at 852. In determining who bore the economic injury associated with the overcharges, the court recognized that the price regulations applicable to refiners, product resellers and retailers allowed them to pass through the cost increases associated with the crude oil miscertifications to purchasers and consumers of refined products. *Id.* at 853. In fashioning an equitable remedy, the court found that the "broad scattering of the ill effects of [Crude oil miscertifications] renders *impossible* the tracing of the overcharges to their ultimate victims and the calculation of the precise damages suffered by each." *Id.* (emphasis added). Comment No. 59, filed by the States of Alabama, California, Connecticut, Idaho, Illinois, Indiana, Maryland, Michigan, Mississippi, Montana, New York, Ohio, South Dakota, Vermont, Wisconsin and Wyoming, embraces the position taken by the court in the Hawkins Field case, and contends that precise tracing of the impact of the overcharges involved in this case is also impossible. Although the argument advanced by the states in Comment No. 59 is primarily legal in nature, it draws on factual allegations for support. Since the states' position, if adopted, could be dispositive of the matters referred to the OHA by Judge Theis, it is appropriate to receive evidence at the hearing on the "impossibility" of determining whether refiners absorbed any portion of the overcharges. The fact that evidence is to be taken on this position is not to intended to question the correctness of the court's determination in *Exxon*. A function of these hearings is to develop a full record on all positions for the court in the District of Kansas.

B. Profit Margins Obtained by Refiners

In the December 12 Notice it was stated:

> One possible indication of the extent to which refiners were able to increase their sales prices to recover increased crude oil acquistion costs is the industry-wide per barrel profit margin that refiners were able to achieve. If crude oil acquisition cost—the principal cost of any refiner—increased by more than sales prices, one would expect the per barrel profit margin for domestic refiners to decrease. In other words, if there were cost absorption (*i.e.* injury) by refiners, over time the increases in crude oil costs refiners experienced would not be completely reflected in the sales prices of the petroleum products they refined from that crude oil.

48 F.R. 57608, 57611 (1983). Although a number of commenters object to the use of a profit margin analysis, *see, e.g.*, Comment No. 26, filed by Tenneco Oil Company, or dispute the preliminary analysis described in the December 12 Notice, *see, e.g.*, comment No 81, filed by Chevron U.S.A. Inc., Comment No 66, filed by the Indicated Refiners, it appears that this issue has potential significance in determining the impact of the overcharges at the refiner level of distribution. In any event, the use of refiner profit margins should not be ruled out at this point as a tool for approximately the impact of the overcharges involved in this proceeding. Accordingly, interested parties are invited to submit evidence for the record concerning the level of profits achieved by the refining sector of the petroleum industry during the period of federal price controls. One study that may be useful was prepared by the DOE's Economic Regulatory Administration, and it should be consulted by the parties. Econ. Reg. Admin., An Analysis of Refiners' Total Barrel Costs and Revenues from the Sale of Petroleum Products: 1976–1979 (DOE/RG–0048, November 1980).

C. Cost Banks

Under the DOE price regulations, a refiner could not lawfully charge a price for a covered product higher than its maximum allowable price calculated by reference to the refiner price rule contained in the DOE regulations. However, a refiner was free under DOE regulations to charge any price below that maximum price, and if it did, it was permitted to "bank" the difference. Subject to certain restrictions, a refiner could then apply that banked amount to increase its maximum allowable prices in future time periods. In a number of comments, refiners argue that the alleged existence of sizable cost banks is proof that they absorbed the impact of the overcharges found to have occurred in this litigation. *See, e.g.*, Comment No. 94, filed by Shell Oil Company. The relevance of alleged cost banks as proof of injury has been questioned in previous refund and overcharge cases. Nevertheless, refiners and others should have an opportunity to offer evidence concerning the level of their alleged cost banks as well as the origin of those banks. Consequently, refiners are invited to submit schedules documenting their calculation of cost banks for each month of the period November 1973 through January 28, 1981. Refiners should indicate whether and the extent to which the level of those banks has been approved by the DOE (*e.g.*, through settlement, audit or litigation). In addition, each refiner should indicate to what extent those banks might be affected by pending enforcement actions by the DOE, lawsuits by private parties, or Court decisions such as *Mobil Oil Corp.* v. *DOE*, Fed. Energy Guidelines ¶ 26,460 (upholding the deemed recovery rule), which may substantially affect the alleged banks of some refiners. For maximum utility in this proceeding, refiners should also attempt to identify the source of their alleged cost banks. For example, a refiner might attempt to isolate the effect that savings in energy used in the refining process had on costs for each month, as opposed to increases in crude oil costs. Any refiner may also take this opportunity to submit evidence showing how these particular overcharges were placed into its cost banks and not thereafter recovered.

D. Marginal Economic Analysis

As stated in the December 12 Notice, two parties in special refund proceedings involving alleged crude oil miscertifications—Mobil Oil Corporation on the one hand and the States of California, Michigan, and Alabama, represented by common

counsel on the other—have made submissions that suggest marginal economic analysis as a tool for approximating the extent to which increased costs associated with crude oil overcharges may have indirectly reduced refiners' profitability even if the direct cost increases from the overcharges were entirely passed on and absorbed by consumers. The December 12 Notice briefly discussed the two economic studies that had been prepared for and submitted in those cases, and requested comments as to whether marginal economic analysis may be utilized as a basis for resolving the question of cost passthrough. *See* 48 FR 57608, 57611–13 (1983). In response, several commenters have suggested that marginal economic analysis is an appropriate fact-finding approach to use in this proceeding. *See, e.g.*, Comment No. 47, filed by Union Oil Company of California; Comment No. 37, filed by Marathon Oil Company. To further explain the approach suggested, especially for those who do not have ready access to the Mobil and the States materials, an example of the type of marginal economic analysis suggested in those studies is contained in an Appendix to this Decision and Order. Testimony and documentary evidence are invited on this approach. However, offering the approach suggested by the submissions of these two parties should not be viewed as adoption of that approach by the OHA. Parties may challenge the assumptions and the sample data contained in this analytic approach, and present alternative analyses of their own based on a marginal cost approach. For example, parties are invited to present evidence that other studies concerning elasticity of demand for petroleum products exist and should be utilized, or that one or more of the cited studies is invalid or irrelevant. Parties may also address the extent to which the results of this approach should be viewed as a theoretical and incidental harm resulting from the overcharges, as opposed to a finding of actual injury.

E. Other

A number of other issues have been raised by commenters which appear to be susceptible to evidentiary proof. Previous Notices in this proceeding have stated that the Entitlements Program generally dispersed the effects of the overcharges equally among all participants in the Entitlements Program in direct proportion to their relative crude oil runs to stills. However, a number of commenters in this proceeding have alleged that the effect of the overcharges was not dispersed equally among Entitlement Program participants. For example, one commenter argues that this was true only if the price of the crude oil bought by the refiner was precisely the average price paid in the industry during the month in question for that tier-type of crude oil. Comment No. 73, filed by Total Petroleum Inc. Another commenter suggests that because of a number of "subsidies" built into the Entitlements Program, resellers of products refined by major, integrated oil companies were injured to a greater extent by these overcharges than resellers of products refined by small and independent refiners. Comment No. 63, filed by the National Oil Jobbers Council. Furthermore, it is alleged that some recipients of exception relief in the Entitlements Program were also not affected to the same degree as other participants. *See* Comment No. 25, filed by Tosco Corporation, at 13–17. Interested parties are invited to submit documentary evidence on these issues, and to present the testimony of expert witnesses in support of their positions at the evidentiary hearing.

Other generic issues are raised by a number of commenters. A utility which was a participant in the Entitlements Program maintains in its comments that it should receive a share of the overcharges in proportion to its participation in that program. Comment No. 28, filed by Consumers Power Company. The utility states that it was effectively an end-user of the crude oil involved as a result of its operation of a synthetic natural gas plant. The utility further states that it passed through the impact of the overcharges by increasing the rates which it charged its natural gas customers, and that any refund it receives similarly will be passed through on a dollar-for-dollar basis in the rates it charges for natural gas. Consumers Power Company, as well as others who may have similar arguments, should submit documentary evidence and/or profer witnesses at the evidentiary hearing that will provide a factual basis for these claims. However, this does *not* mean that Consumers Power Company should submit a refund application at this time. Rather, it should attempt to develop a factual record so that it can be determined whether it and similarly situated firms can prove precisely how they were affected by the overcharges in this case.

One other commenter maintains that it purchased a significant quantity of the crude oil involved in this proceeding prior to November 1974, the initial month of operation of the Entitlements Program. Comment No. 20, filed by Gulf Oil Corporation. It would appear that issues regarding the passthrough by refiners of the impact of the overcharges would exist with respect to the pre-Entitlements Program period as well. Accordingly, the record would benefit from the inclusion of additional analysis similar to the types suggested above for the pre-Entitlements Program period as well, and evidence on this issue is invited.

Finally, any party may suggest any other issue on which it wants to submit documentary evidence or profer witnesses at the evidentiary hearing. We intend to address these matters at the pre-hearing conference.

III. Recalculation of Positions of Participants in the Entitlements Program

A number of commenters in this proceeding suggest that to measure precisely the impact of the overcharges involved in this case requires at least as an initial measure the recalculation of the positions of all Entitlements Program participants on a month-by-month basis. At this point in time, it is impossible to determine what the precise situation would have been in the petroleum industry if the crude oil overcharges involved in this case had not occurred. However, the following methodology appears useful to approximate the impact of those overcharges on each participant in the Entitlements Program. Comments on this methodology are invited, particularly as to whether it may be used to accurately approximate a recalculation of positions of all Entitlements Program participants. Procedures for filing these comments are contained in Section IV of this Decision and Order.

The methodology begins by recognizing that, had no miscertifications occurred, each Entitlements Program participant would have paid less for crude oil after the Entitlements Program's effects were taken into account. In general terms, this would have occurred for the following reasons. If the overcharges had not occurred, more "old" crude oil would have been available in the domestic crude oil supply system. Obligations under the Entitlements Program would have changed, since the national average old oil supply ratio (the DOSR) would have been higher. Refiners who included more than the national average percentage of price-controlled oil in their crude oil receipts and runs to stills would have had to purchase fewer entitlements. Refiners with access to less than the national average percentage of price-controlled crude oil would have had more entitlements to

sell. As a result, every refiner's cost of crude oil would have decreased. In other words, there would have been more old oil in the system, and after its benefits were allocated through the Entitlements Program, the post-entitlement cost per barrel of crude oil to domestic refiners would have decreased. A detailed explanation of a method to calculate the approximate amount of that decrease follows.

Leaving interest on the overcharges aside, each participant's share of the total decrease in crude oil costs in each month would amount to a fraction of the overcharges attributable to that month. That fraction would be equal to the ratio of its crude oil runs to stills in that month to total adjusted crude oil runs to stills in that month. For each Entitlements Program participant, the numerator of the fraction expressing that ratio equals the sum of all items that qualified as that participant's crude oil runs to stills under the Entitlements Program. This figure includes crude oil runs to stills and, depending on the month in question, half of the participant's qualifying imports of residual fuel oil, imputed runs to stills for crude oil substitutes, imports of Puerto Rican naphtha, and other items. The denominator of the fraction equals the sum of all the above items for all firms listed on the entitlements notice for the month in question, less crude oil runs to stills attributable to entitlement exception relief recipients whose post-entitlement costs for crude oil would have remained unchanged had the DOSR been higher in the month in question.

It should be recognized that the items which are included in the above-described fraction vary over the period of the Entitlements Program. The Economic Regulatory Administration has advised that it can provide data which will permit calculation of aggregate and imputed crude oil runs to stills for each month in which the Entitlements Program operated. If the overcharges attributable to each month are then divided by the adjusted domestic crude oil runs to stills figure, it is possible to determine a per barrel figure for each month. Each participant in the Entitlements Program would then be able to multiply its qualifying crude oil runs to stills in each month by the appropriate cents per barrel figure to determine the extent to which its crude oil costs would have been lower in the relevant month.

For example, using data reported for the month of March 1979, the cents per barrel figure could be calculated in the following manner. Before adjustments for exception relief, the denominator is calculated as follows:

	Barrels
Total crude oil runs to stills for March 1979	468,135,005
Plus ½ (barrels of qualifying imported residual fuel oil)	23,839,615
Total	491,974,620

In the month of March 1979, a number of firms received exception relief under the *Delta-Beacon* standards. *See* Fed. Energy Admin. Office of Exceptions and Appeals Guidelines ¶ 80,020, 6 Fed. Energy Guidelines at 80,012–13. The post-Entitlement cost of crude oil for these firms would have remained unchanged had no miscertifications occurred. This is true because some of the firms received *Delta-Beacon* relief which enabled them to maintain their historical profit margin or return on invested capital (ROIC), and the other firms received *Delta-Beacon* relief equal to their net entitlement purchase obligations. If the crude oil involved in this case had been certified properly in March 1979, to the extent entitlements purchase obligations for these firms would have been reduced, the amount of exception relief to which they would have been entitled would have been reduced on a dollar-for-dollar basis. For the month of March 1979, for example, such firms include Husky Oil Company of Delaware, Charter Oil Company, Little America Refining Co., Inc., Laketon Asphalt Refining, Inc., Southland Oil Company, San Joaquin Refining Company, Lunday-Thagard Oil Company, Warrior Asphalt Company of Alabama, Navajo Refining Company, and Young Refining Corporation.

The post-entitlement cost of crude oil experienced by the firms that received entitlements exception relief not based upon the *Delta-Beacon* standards would in most cases have been altered if the crude oil involved in this proceeding had been properly certified. For example, Commonwealth Oil Refining Co., Inc. (Corco) received exception relief that provided naphtha entitlements to reduce the firm's feedstock cost disadvantage *vis-a-vis* other domestic refiners. The level of Corco's exception relief would not have been changed by increases in reports of old oil receipts, since the exception relief Corco received was calculated on a pre-entitlement basis. Accordingly, Corco would have benefited in the same manner as all domestic refiners if the overcharges had not occurred.

In order to adjust the denominator of the ratio used in this methodology, the total number of crude oil runs to stills in each month of operation of the Entitlements Program must be reduced by the aggregate amount of crude oil runs to stills attributable to the *Delta-Beacon* firms whose post-entitlement cost of crude oil would not have changed if miscertifications had not occurred. As noted above, the total adjusted crude oil runs to stills for that month were 491,974,620 barrels. For March 1979, the number of crude oil runs to stills attributable to those firms is 8,703,371 barrels. Adjusted crude oil runs for March 1979 therefore were 483,271,249 barrels. If the amount of overcharges occurring in March 1979 was, for example, $10,000,000 each eligible refiner's crude oil costs would have decreased by $0.0207 per barrel of runs to stills in March 1979 ($10,000,000 divided by 483,271,249 equals $0.0207 per barrel). (At this point no attempt has been made to ascertain whether information regarding the amount of overcharges in each relevant month can be obtained or compiled. Testimony or documentary evidence as to the availability and reliability of such information is invited.) Therefore, the crude oil costs of a refiner with crude oil runs to stills of 500,000 barrels for March 1979 would have decreased by $10,350 ($0.0207 cost reduction per barrel times 500,000 runs to stills equals $10,350).

If this methodology accurately reflects the decrease in post-entitlement crude oil costs associated with the overcharges, the appropriate cents per barrel cost reduction for each month of the program could then be calculated. Firms whose post-entitlement cost of crude oil would not have changed by reason of their receipt of *Delta-Beacon* exception relief could also be identified. Each participant in the Entitlements Program then could calculate the reduction in its cost of crude oil had the crude oil miscertifications found to have occurred in this case not occurred.

A cautionary observation should be made at this point. The mere fact that it may be possible to estimate the impact of the overcharges on refiners' post-entitlement cost of crude oil does *not* mean that those firms were injured in those amounts. The preceding methodology is only a possible first step in the process of ascertaining the extent, if any, to which refiners were injured by the overcharges at issue.

IV. Procedures

The following schedule will be followed:

Action required	Date
Filing of requests to receive witness nominations.	May 22
Filing of witness nominations	May 30

Action required	Date
Filing of comments on recalculation of positions of Entitlements Program participants.	May 30
Pre-hearing conference	June 8
Filing of requests to receive documentary evidence.	June 22
Filing of evidentiary documents	June 28
Evidentiary Hearing	July 10

We encourage parties to make filings, including requests to receive filings of other parties, as soon as possible. However, all filings must be *actually received* by the Office of Hearings and Appeals on or before the dates set forth above. All filings should be addressed to Marcia B. Proctor, Chief, Docket and Publications Branch, Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, D.C. 20585. Filings may also be hand delivered between the hours of 9:00–11:00 a.m. and 1:00–5:00 p.m. to the Office of Hearings and Appeals Official Filing Room, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. All filings, as well as the envelope, should be labeled "Stripper Well Exemption Litigation/ Refiner Evidentiary Hearing/[Subject (*e.g.*, Recalculation of Entitlements Position, Request to Receive Witness Nominations)]" and should bear the legend "Case No. HFH–0026." Interested parties need not be served with documents filed with the Office of Hearings and Appeals; the OHA will undertake to serve copies of witness nominations and documentary evidence on persons who request those documents.

All filings will be made available for public inspection in the Office of Hearings and Appeals Public Docket Room. The Public Docket Room is open during the hours of 1:00–5:00 p.m. Monday through Friday (except Federal holidays) and is located in Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. If *no* confidential information is contained in a filing, the submitter should file an original *plus* two copies. If the submitter claims confidential treatment for any information contained in the filing, the submitter should file an original *plus* three copies from which confidential information has been deleted.

All filings, including any attachments, must be on paper no larger than 8½ x 11 inches. If a stamped receipted copy is desired by the submitter, the submitter must send an *extra* copy and a self-addressed, stamped envelope. The extra copy will be stamped receipted and returned.

If a submitter claims that certain information is confidential, it may submit a statement as to why it believes that the information is confidential. This statement should generally focus on the exemptions from mandatory public disclosure found in the Freedom of Information Act, 5 U.S.C. 552(b). Commenters who claim that information is exempt from mandatory public disclosure pursuant to Exemption 4 of the FOIA should address the criteria for determining the applicability of that exemption found in 10 CFR 1004.11(f). The DOE reserves the right to make its own determination concerning the confidentiality of the material submitted. However, if the event that the DOE determines that the material for which confidential treatment is requested should be released, it will notify the submitter and inform it of the decision no less than seven calendar days prior to relese. 10 CFR 1004.11; *see* 10 CFR 205.9(f)(2).

Any interested person may request that it receive by mail OHA copies of all comments concerning the recalculation of Entitlements Program positions or all witness nominations filed. Such requests should be in writing and labeled either "Stripper Well Exemption Litigation/ Refiner Evidentiary Hearing/Request to Receive Recalculation of Entitlements Position Comments" or "Stripper Well Exemption Litigation/Refiner Evidentiary Hearing/Request to Receive Witness Nominations."

Any party that wishes to offer a witness or witnesses at the evidentiary hearing must file a witness nomination or nominations with the Office of Hearings and Appeals no later than May 30, 1984. A witness nomination need *not* disclose the identity of the witness; however, we encourage parties to disclose this information. The witness nomination must disclose: (1) The identify of the party offering the witness, (2) the issue on which the witness will testify, (3) the type of witness (*e.g.*, economic expert, regulatory affairs officer of company, etc.), and (4) a brief (one paragraph) description of the substance of the testimony.

After witness nominations are received, a pre-hearing conference will be held at 10:00 a.m. on Friday, June 8, 1984, 1000 Independence Ave., SW., Washington, D.C. The room in which the conference will take place will be announced at a later date. At the conference, participants may discuss their views as to the procedures that should govern the evidentiary hearing. After the conference, any party may request that it receive all documentary evidence that will be relied upon at the hearing. Such requests must be in writing and must be received by the Office of Hearings and Appeals no later than June 22, 1984. The request should indicate whether the party will pick up the documentary information in the OHA Public Docket Room or whether the party wants to be placed on a mailing list to receive the material.

Witnesses will be permitted to rely on evidence of a documentary nature only to the extent that material has been submitted to the Office of Hearings and Appeals prior to the hearing. (This limitation does not apply to documentary evidence used in rebuttal if the witness could not reasonably have foreseen the introduction of that evidence at the hearing.) All documentary material must be received by the Office of Hearings and Appeals no later than June 28, 1984. Copies of that material need not be served on parties in this proceeding; the Office of Hearings and Appeals will duplicate the material and promptly serve all hearing participants.

The evidentiary hearing will take place at 10:00 a.m. beginning on Tuesday, July 10, 1984, and continue as long as necessary. It will be held in the Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., in a room to be announced. We anticipate that the hearing will last for several days; it will be reconvened at 10:00 a.m. on each succeeding business day.

It Is Therefore Ordered That:

The Office of Hearings and Appeals shall convene an evidentiary hearing at 10 a.m. on July 10, 1984, for the purpose of receiving testimony concerning the impact upon the refining sector of the petroleum industry of crude oil miscertifications involved in The Department of Energy Stripper Well Exemption Litigation, No. MDL 378 (D. Kan.). The pre-hearing schedule and procedures specified in this Decision shall apply to the hearing.

Dated: May 2, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appendix—Theories Regarding Possible Impact of Miscertifications on U.S. Refiners Using Marginal Economic Analysis

Parties to two other special refund proceedings have made use of marginal economic analysis in their submissions regarding the possible impact of crude oil miscertifications on domestic refiners. On January 6, 1982, the Office of Hearings and Appeals issued a Decison and Order instituting special refund procedures for the distribution of funds obtained by the DOE in connection with consent orders entered

into by Alfred B. Alkek and 24 other crude oil producers. *Office of Enforcement,* 9 DOE ¶ 82,521 (1982)(hereinafter cited as *Alkek*).On April 8, 1982, OHA issued a Decision and Order instituting special refund procedures for the distribution of funds obtained by the DOE in connection with consent orders entered into by Adams Resources and Energy, Inc. and 32 other crude oil producers. *Office of Enforcement,* 9 DOE ¶ 82,553 (1982)(hereinafter cited as *Adams*). Because the *Alkek* and *Adams* decisions involved similar transactions and identical issues, the two proceedings were consolidated and the funds available for distribution were aggregated. In response to those determinations 61 firms filed Applications for Refund seeking a portion of the *Alkek/Adams* funds.

In the *Alkek/Adams* refund proceeding, two detailed economic studies have been offered by parties to demonstrate that they are entitled to refunds. One of the studies, entitled "Economic Analyses and Opinion Pertaining to Mobil Oil Corporation's Application for a Refund from the U.S. Department of Energy," was submitted by Mobil in support of its claim that as an Entitlements Program participant, it is entitled to a refund. The other study, entitled "Economic Analysis Concerning the Ability of Refiners to Pass Through Crude Oil Overcharges," was submitted by the States of California, Michigan, and Alabama in support of their claim that refiners are not entitled to receive refunds. Each of these studies attempts to analyze whether and to what extent refiners passed through increased costs associated with crude oil miscertifications in the form of higher prices for refined products. These studies, and the discussion that follows, isolate the refining segment of the petroleum industry from all other sectors. Of course, many firms in the industry are integrated, and many of these integrated firms overcharged with respect to crude oil sales by incorrectly counting injection wells in determining whether oil from a particular property was properly classified as stripper oil. To the extent that the analysis in this Appendix suggests that refiners may have borne some of the economic burden of the overcharges at issue, a separate issue would remain as to whether firms that themselves overcharged for stripper oil are equitably entitled to any recompense for the consequences of their own wrong. This issue is related to but distinct from the more general issue raised by the equitable doctrine of unclean hands.

These studies begin by observing the basic economic principle that when a firm's costs increase it generally also attempts to raise its prices to recover those costs. As a corollary, consumers generally demand less of a product as the price of that product increases. According to the studies, when refiners raise their prices to recover increased crude oil acquisition costs, including costs associated with alleged miscertifications, they sell fewer gallons of product than they would have sold in the absence of a price increase. If this effect could be precisely measured, all other things remaining constant, one would in theory be in a position to determine the effect an increase in crude oil costs would have on industry-wide profits. Such precise measurement does not, however, appear to be possible. Nonetheless, this analysis could prove fruitful in efforts to develop a method approximating the injury, if any, to refiners, as well as downstream purchasers. It should be noted, however, that this method assumes in the first instance that all cost increases, including overcharges, are passed on to and borne by consumers, hence the reduction in consumer demand. Because the Entitlements Program spread crude oil overcharges to every refiner, the method assumes that these increases were passed on just like a uniform per barrel tax, since every refiner would be in the same competitive pricing position relative to all other refiners before and after such passthrough.

One measure of the extent to which the quantity of a particular product demanded decreases when prices increase is the "price elasticity of demand" for that product.[1] Demand for any commodity usually depends upon its price, prices of related goods, and upon consumers' incomes and preferences. Elasticity of that demand is a measure of the responsiveness of demand to change in one of these variables. "Price elasticity of demand" is defined as the percent change in quantity demanded divided by the associated percent change in price, all other variables unchanged. For example, if the price elasticity of demand for motor gasoline equals −0.2, a 10 percent increase in price would lead to a 2 percent decrease in the amount of gasoline demanded.

The demand for a commodity is "elastic," or responsive to price, if a given percentage change in price induces a greater percentage change in quantity demanded. In that situation, the absolute value of the elasticity is greater than 1.0. If a given percentage price change induces a smaller percentage change in quantity, demand is termed "inelastic." Thus, demand is "inelastic" where the absolute value of its elasticity is between zero and one.

Several qualitative observations can be made about price elasticity in general. First, one would expect the demand for necessities to be less price-elastic than that for luxuries. Secondly, a commodity which has few comparably priced substitutes will probably have a more inelastic demand than one which has many substitutes. Since the demands for goods like refined petroleum products is derived in part from the demands for the goods or services for which petroleum is an input in production or use, the elasticity of demand for refined petroleum products depends in part on the elasticities of demand for the final products or services.

Finally, a distinction should be made between short-term and long-term elasticities. As noted above, elasticity of demand depends in part upon the availability of competitively priced substitutes. Therefore, one can expect the absolute value of the elasticity of demand for a commodity to increase in the long-term since it may take years for substitutes to become available. For example, the short-term response to a gasoline price increase is limited primarily to decreases in the number of miles driven, increased use of car pooling, or additional use of available alternate transportation. In the long run, however, a price increase may induce automobile purchasers to choose more efficient cars than they would have otherwise chosen. In addition, better public transportation may become available. Residences, businesses, and shopping centers may relocate closer to each other. Because consumers have more flexibility and diverse options in their long-run response to a price change, the long-run price response is larger in absolute value than the short-run response.

From time to time various estimates of elasticity of demand for petroleum products have been made from historical data. Before presenting the conclusions of these studies, it is important to address the variation among elasticity estimates. A review of the literature indicates that elasticity estimates of petroleum demand vary. These variations are caused by a number of factors. First, external events may influence particular variables, and the studies vary in the techniques used for controlling for these variations. Thus the method of controlling for the factors other than price that may influence

petroleum demand causes variations in the results of the duties.

Of course, even the best of economic theories can yield results no more accurate than the data used in application of the theory. A second source of variation in study outcomes relates to the choice of data used in estimating elasticity and the level of detail at which the estimates are made. For example, the analyst must make several important decisions which will each have a significant effect on the results of his study. First, he must choose whether to make separate elasticity estimates for each petroleum product for each specific end-use, or to make one estimate for total petroleum consumption. Second, he must determine the type of data to be used. In addition, he must isolate the scope of the effect that price has on demand. Even after these basic decision are made, many sources of uncertainty remain to cause a diversity of results. It is because of these measurement problems that we seek evidence on the validity, trustworthiness, and relevance of studies having considerable variation in results.

The following tables indicate the results of studies of the elasticity of refined petroleum products:

TABLE 1: ESTIMATED SHORT-RUN PRICE ELASTICITIES OF DEMAND FOR MOTOR GASOLINE

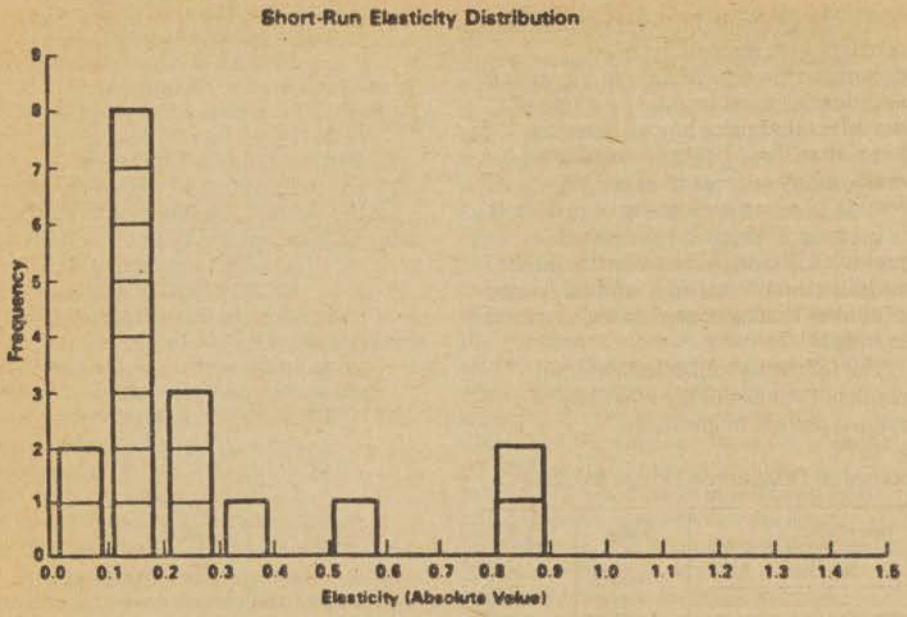
Study	Type of data[1]	Vintage	Estimated elasticity
Anderson (1972)	TS, States	1952–72	−.11
Chamberlain (1973)	TS, National	1951–70	−.06
Cato, Rodekohr, Sweeney (1976)	TS, National, annual	1959–73	−.24
Dahl (1977)	TS, National	1935–41, 1947–72	−.54
Danielson and Hill (1976)	TS, National	1949–74	−.118
DRI (1973)	TS, CS, National	1963–72	−.20
Difiglio and Kulash	TS, National	1970–74	−.11
FEA (1975)	TS, National	1960–74	−.12
Greene (1978)	TS, CS, States	1966–75	−.34
Sweeney (1977)	TS, National, annual	1957–74	−.22
Houthakker, Verleger, Sheehan (1974)	TS–CS States	1963–72	−.08
Adams, Graham, Griffin (1974)	TS–CS, 20 OECD countries	1955, 1960, 1975, 1969	−.90
McGillivory (1974)	TS, National, annual	1951–69	−.22
Lady (1974)	TS, National, monthly	1960–72	−.16
Wildhorn, Burright, Ennis, Kirkwood (1974)	TS, National, annual	1954–72	−.83
Sweeny (1974)	TS, National, annual	1960–72	−.12
Verleger (1975)	TS–CS, States quarterly		−.16

[1] TS:Time series; CS: cross sectional; TS–CS: pooled cross sectional and time series.

TABLE 2: ESTIMATED SHORT-RUN PRICE ELASTICITIES OF DEMAND FOR PETROLEUM PRODUCTS IN THE RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SECTORS

Study	Fuel/sector	Vintage of data	Estimated elasticity
Baughman, Joskow	Residential/Commercial Oil	1929–67	−.18
Verleger, Sheehan (1974)	Distillate/Industrial	N.A.	−.12
Baughman, Zerhoot (1975)	Petroleum/Industrial	1962–72	−.11
FEA (1976)	Distillate/Industrial	1971	−.34
	Residual/Industrial		−.26
	Kerosene/Industrial		−.26
Taylor, Blattenberger-Verleger (1976)	Distillate/Residential	1956–72	−.21
FEA (1976)	Distillate/Residential	1960–72	−.41
	Kerosene/Residential		−.17
Houthakker, Taylor (1970)	Oil/Residential	1929–64	−.07, −.14
Philips (1972)	Gasoline, oil/Residential	1929–67	−.12
Verleger, Sheehan (1974)	Total home heating oil	1967–72	−.22
	Distillate/Residential		−.12

A number of observations can be made concerning the results of these studies of the price elasticity of demand for refined petroleum products. First, most of the research to date has focused upon the elasticity of demand for motor gasoline and has found that the elasticity of demand for motor gasoline is quite low. In other words, a change in price tends to produce a much smaller change (percentage-wise) in demand. In the short run, motor gasoline demand elasticities generally have been estimated in these studies to be in the range between −0.1 to −0.3. The following chart summarizes the distribution of the foregoing estimates of short-run elasticities for motor gasoline:



This chart illustrates agreement among various estimates that the short-run demand for gasoline in the United States has been highly inelastic. In other words, in the short run, demand for gasoline is not price sensitive. Caution must be exercized in drawing overly broad conclusions from this analysis. Nevertheless, if these studies were valid, use of marginal economic analysis theory would suggest that an increase in selling prices resulting from the direct passthrough of crude oil overcharges leads to a relatively small decrease in the amount of motor gasoline demand by consumers. In other words, refiners had the ability to increase their prices to recover increased costs associated with miscertifications without incurring any substantial decrease in the amount of motor gasoline sold.

The studies the parties have submitted or we have located regarding the elasticity of demand of other petroleum products, if accepted at face value, suggest that those products are only slightly more sensitive to prices in general than motor gasoline. While the elasticity for motor gasoline in these studies ranges from −0.1 to −0.3, short-run price elasticities of demand for distillate use in the residential and commercial sectors range from −0.1 to −0.4. In the industrial sector, most estimates in the cited studies of short-run petroleum product elasticities also fall in the range of −0.1 to −0.4. thus, studies show that the demand for distillate and other petroleum products in nontransportation uses is fairly inelastic. *See* DOE Enegry Information Administration, Price Elasticities of Demand for Motor Gasoline and Other Petroleum Products (Doc. No. AR/IA/EUA/81–03, May 1981). Again, if both the theory and the studies were determined to give reasonable approximations of reality, they would suggest that refiners could generally pass through the increased costs associated with miscertifications.

At this point an example of how elasticity concepts may be applied in the current analysis may be helpful.(*2*) In the following example, the price of crude oil increases from case one to case two, and all other factors are assumed to remain constant. The example allows one to measure the secondary effect the passthrough to consumers of a particular crude oil cost increase has upon the gross profit of the refining industry, even when all overcharges are passed through to consumers. If one could determine that profits decline when crude oil prices increase, and that all other factors affecting refiner profitability remain constant, one can conclude that the industry in the aggregate was injured by the cost increase. On the other hand, if profits remain constant or increase, it is clear that the industry was not adversely affected by the cost increase.

In the hypothetical example, it is assumed that in case one the industry as a whole refines 200,000 barrels per day (bpd) of crude oil and sells all of the products made from that crude oil. In other words, there are no inventory changes. Also assumed are a weighted average cost of crude for the industry of $15.00 per barrel,(*3*) and that the industry incurs fixed costs of $500,000 a day and variable costs other than crude acquisition costs (*e.g.*, additive costs, catalyst costs) of $0.30 a barrel.(*4*) It is assumed that the product slate produced by the industry allows a barrel of refined products to be sold for $20.80.(*5*)

In case two, the weighted average crude oil acquisition cost has risen by $2.08 to $17.08 per barrel. The industry recovers these costs by raising the prices charged for product by the same amount—$2.08 per barrel. Consequently, a barrel of refined products now sells for $22.88 ($20.80 plus $2.08 in increased crude costs). The elasticity of consumer demand is assumed to be −0.2. Since the price of refined products has increased to consumers by 10 percent, consumers demand 2 percent less product, or only 196,000 bpd. The following chart indicates the effect on the revenues of the industry:

	Case 1	Case 2
Revenue	$4,160,000	$4,484,480
Cost of Goods Sold:		
Crude Cost	3,000,000	3,347,680
Fixed Cost	500,000	500,000
Variable Cost	60,000	58,800
Total Cost	3,560,000	3,906,480
Gross Profit	600,000	578,000

In this example, which assumes a price elasticity of demand for all petroleum products of −0.2, when the industry increases its sales prices by an amount equal to the increase in crude oil acquisition costs, its gross profit decreases by $22,000, or 3.7 percent.

The type of analytical methodology used in the example can be applied to the entire refining industry. In determining the extent to which the industry had its profits reduced even though it passed on all increases in crude oil costs, one must determine the relationship between the dollar change in profits and the dollar increase in crude oil acquisition costs. In other words, by how many dollars do profits decrease when crude oil costs increase by one dollar? If these figures are equal, then the industry had its profits reduced indirectly even through it passed on to consumers the full amount of the increase in crude oil costs. On the other hand, if there is no decrease in profits and the ratio of these figures equals zero, the industry did not have its profits indirectly reduced when it passed through the totality of the crude oil cost increases.

This methodology, by assuming a complete passthrough of the overcharge at all levels of the industry so that they were borne by consumers, attempts to measure not the amount of the actual overcharge directly absorbed by any level of the industry (*i.e.*, none), but rather the less direct economic harm that the industry would have incurred when the passthrough of the overcharge resulted in a reduction of industry sales and any related reduction in profitability.

By changing the elasticity estimates one can calculate a range of effects upon the refining industry. As pointed out in the discussion on demand elasticity above, the range of estimates in the cited studies of price elasticity of demand for petroleum products is −0.1 to −0.4. Depending upon which elasticity estimate is used, all other things assumed to remain constant, one finds that profits for the industry declined in response to increased crude costs by 2.64 to 10.79 percent.(*6*)

But, as previously noted, this analysis assumes that end users or consumers paid the entire amount of the overcharges. They would, accordingly, seem to be the class most directly harmed by the overcharges. But the marginal economic analysis modeling presented here suggests that, assuming the cited studies to be reliable, there may have been additional and indirect harm caused by the overcharges at the refiner level equal to 2.64 to 10.79 percent of the overcharges.(*7*)

The foregoing discussion, which goes into somewhat more detail regarding marginal economic analysis than we have found to be necessary at this stage of the proceeding regarding other remedial theories, is proffered solely to help focus evidence that may be submitted concerning this theory. This office has neither accepted this mode of analysis as an appropriate restitutionary mechanism nor determined that any of the cited studies are a valid basis for implementing any such mechanism. Evidence on these major issues, including evidence on the reliability of individual studies, is expressly invited. Moreover, evidence on any other points relevant to such marginal economic analysis is invited.

Notes to Appendix

(*1*) This discussion is taken in large part from DOE Energy Information Administration, Price Elasticities of Demand for Motor Gasoline and Other Petroleum Products (Doc. No. AR/IA/EUA/81-03, May 1981).

(*2*) A general observation should be made about this type of marginal analysis. This method may be useful for estimating the effect which results from changing one of several economic variables, such as the cost of crude oil in the example, while holding all other variables constant. The example does not purport to depict the actual situation in the domestic petroleum industry during any specific point in time, and should not be construed as such. In the real world, there are many different variables which affect the profitability of such a complex industry, and these factors are constantly changing. There are other types of economic models which could be used to estimate the impact of these changes. Nevertheless, the method discussed may be useful in estimating the impact which a change in only one of those factors, *viz*, crude oil costs, would have had upon the profitability of the industry.

(*3*) The average per barrel crude oil cost was $15.03 during the period November 1974 through December 1980. *See* Analytical History of the Entitlements Program 1–9—1–10, 1–21—1–22 (DOE/RG/10572–1, December 1982).

(*4*) In this example, the proportion of operating costs to crude oil acquisition cost is similar to the average in the domestic refining industry during the 1973 through 1979 period. *See* W. L. Nelson, Guide to Refinery Operating Costs (Process Costimating) (3d ed. 1976); Oil & Gas Journal at 89 (October 4, 1982); Oil & Gas Journal at 72 (January 7, 1980); Oil & Gas Journal at 152 (April 2, 1979); Energy Information Administration, Monthly Energy Review at 80 (May 1982).

(*5*) The arithmetic average gross profit in the domestic refining industry was approximately $3 per barrel during the period November 1974 through December 1980.

(*6*) In the example, there are two ways of calculating the profit reduction caused by passing through the crude oil cost increases. Both calculations use the dollar change in gross profits ($22,000) in the numerator of the ratio. However, there are two ways of calculating the denominator of the ratio. First, the change in the per barrel cost of crude oil ($2.08) times the number of barrels processed in time period one (200,000) could be used as the denominator. In the example this calculation would result in a conclusion that the industry profits were reduced by an amount equal to 5.29 percent of the crude oil cost increase. Alternatively, the number of barrels processed in time period two (196,000) can be substituted for the number of barrels processed in time period one. If this method were adopted, the industry would receive a "credit" that reflects a cost saving attributable to the 4,000 barrels of crude oil that it did not process during time period two. If this substitution were made, the industry would be deemed to have had its profits reduced by an amount equal to 5.40 percent of the total crude oil cost increase as a consequence of passing through the crude oil cost increases to consumers.

Using the first method, the percentage change in gross profits that the industry will experience if it raises its product sales prices by an amount equal to its increased crude oil acquisition costs would range between 2.64 to 10.58 percent. Using the latter method, the percentage would range between 2.67 and 10.79 percent for the same range of price elasticities.

(*7*) Were one to accept this mode of analysis, it is apparent that the aggregate direct and indirect economic harm caused by the overcharges was in excess of the overcharges. This raises such questions as whether those responsible for the overcharges should be required to make restitution for *all* the harm resulting from the overcharges, *i.e.*, for more than 100 percent of the overcharges, or whether there should be a pro-rationing of the amount of the overcharges between those assumed to have directly borne them (consumers) and those indirectly harmed by them (the industry).

[FR Doc. 84–12523 Filed 5–8–84; 8:45 am]
BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30221A; PH–FRL 2579–1]

Sherex Chemical Co, Inc.; Approval of Pesticide Product Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has approved the application by Sherex Chemical Co. to conditionally register the insecticide product Arosurf MSF containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

FOR FURTHER INFORMATION CONTACT:

By mail: William Miller, Product Manager (PM) 16, 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. 211, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–2600)

SUPPLEMENTARY INFORMATION: EPA has issued a notice published in the **Federal Register** of September 29, 1982 (47 FR 42804), which announced that Sherex Chemical Co., Inc., 577 Frantz Road, PO Box 646, Dublin, OH 43017, had submitted an application to conditionally register the insecticide product Arosurf MSF containing 100 percent of the active ingredient poly(oxy-1,2-ethanediyl), alpha-isooctadecyl-*w*-hydroxy, an ingredient not included in any previously registered product.

The application was approved on February 15, 1984 for general use for control of mosquito larvae and pupae.

The product was assigned EPA Registration No. 42943–8.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 236, CM#2, Arlington, VA 22202 (703–557–3262) within 30 days after registration date in accordance with section 3(c)(2) of FIFRA. Request for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(4)(5) FIFRA, as amended)

Dated: April 20, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 84–12193 Filed 5–8–84; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59150A–2571–7]

Certain Chemicals; Approval of Test Marketing Exemptions

Correction

In FR Doc. 84–10948 appearing on page 17575, in the issue of Tuesday, April 24, 1984, in the first column, the docket line contained an error and should have appeared as set forth above.

BILLING CODE 1505–01–M

[OPP–30239; PH–FRL 2565–6]

Certain Companies, Applications to Register Pesticide Products

Correction

In FR Doc. 84–9963, appearing on page 15267, in the issue of Wednesday, April 18, 1984, in the second column, in the first paragraph under "I. Products Containing Active Ingredients Not Included in Any Previously Registered Products", in the seventh line, "ylethyl" should read "ylmethyl".

BILLING CODE 1505–01–M

[OPP–180646; PHL–FRL 2568–7]

Arkansas, Mississippi, and Texas; Receipt of Applications for Specific Exemptions To Use a Pesticide for an Unregistered Use; Solicitation of Public Comment

Correction

In FR Doc. 84–10508, appearing on page 15274, in the issue of Wednesday, April 18, 1984, in the first column in the first paragraph of the "summary", in the eleventh line "methyl]-*H*" should read "methyl]-1*H*".

BILLING CODE 1505–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Sub-Committee Meetings of the FCC Industry Advisory Committee on Technical Standards for Direct Broadcasting Satellite (DBS) Service

May 2, 1984.

Several meetings of the Sub-Committees of the FCC Advisory Committee on Technical Standards for DBS Service, will be held on the dates indicated below. These will be held in Washington, D.C.

Sub-Committee on Receiver Standards—May 30, 1984; at 1:00 PM, 1200 19th Street, NW., Conference Room 548J

Sub-Committee on Encryption Standards—May 22, 1984; at 9:30 AM, (probably 1/2 day meeting) FCC/OST Conference Room 7317, 2025 M Street, NW.

The agenda for the meetings are as follows:

1. Approval of minutes of previous meeting.
2. Approval of agenda.
3. Finalization of final reports of the various working groups. These reports will be incorporated into the final reports of the sub-committee.
4. Other business.
5. Date of next meeting(s).

Those seeking further information may contact the chairmen of the above groups or B. Pattan, FCC/OST (202) 653–9098.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–12425 Filed 5–4–84; 8:45 am]

BILLING CODE 6712–01–M

Commission Directs Domestic and International Record Carriers To File Comments and Meet

May 3, 1984.

On April 8, 1982, the Commission released its Interim Order in connection with CC Docket No. 82–122, *Interconnection Arrangements Between and Among the Domestic and International Record Carriers.* This Interim Order implemented the requirements established by Congress in the Record Carrier Competition Act of 1981 by prescribing certain interconnection provisions for domestic and international telex, TWX and telegram services.

One provision of the Interim Order requires that the international carrier be designated as the originating carrier that bills, collects and tariffs the international service. However, the U.S. Court of Appeals, on March 7, 1984, issued a decision which, in part, requires the Commission to revise this prescription. The Court stated, "we hold that the Commission must designate the domestic carrier that initiates an outbound call as the originating carrier, which is responsible for tariffing, collecting and billing.

As a result of the Court directive, all record carriers will be required to make operational, billing and tariff changes. To begin this process and in order to carry out the purposes of the RCCA and the Court's decision, the Commission directs Western Union and all other originating carriers to submit information and an interconnection plan to demonstrate their technical ability to perform billing functions in compliance with the Court's order. These comments are due May 21, 1984. A public meeting will be held on May 31, 1984 in Room 856, FCC, 1919 M Street, NW. at 10:00 a.m. to discuss these proposals. All interested parties are invited to attend. For further information contact Margot Bester, 632–4047.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–12424 Filed 5–8–84; 8:45 am]

BILLING CODE 6712–01–M

Meeting of Interested Parties to CC Docket No. 81-343; Policy for Overseas Common Carrier Facilities, Pacific Region, 1981-1995

May 3, 1984.

Members of the Common Carrier Bureau staff will convene the second meeting of all interested parties to the Pacific Planning Process (CC Docket No. 81-343) in Room 856, 1919 M Street, NW., Washington, D.C., at 10:00 a.m. on Tuesday, May 15, 1984.

The agenda of the meeting will include: (1) submission of data and/or discussion of U.S. carriers' forecasted circuit demands and circuit requests for the 1987-1995 time frame; (2) further discussion of alternative facilities plans proposed for construction during the 1987-1995 period; (3) discussion of the proposed introduction and configuration of a fiber optic TPC-3 cable in 1988; (4) discussion of any critical dates by which facilities decisions must be made; (5) the scheduling of Public Meetings; and (6) any other matters related to this proceeding.

This meeting will be open to the public and anyone who wishes to attend and express views is invited. For additional information, contact Laura Stein (202) 632-4047.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-12423 Filed 5-8-84; 8:45 am]

BILLING CODE 6712-01-M

Travel Reimbursement Experiment

AGENCY: Federal Communications Commission.

ACTION: Publishing of Quarterly Report on Travel Reimbursement Experiment.

SUMMARY: In Pub. L. 97-259, the Congress authorized the Federal Communications Commission to accept reimbursement from non-government organizations for travel of employees of the Commission. The Federal Communications Commission must keep records of such travel by each event and prepare a report each quarter of all reimbursements allowed and provide copies of each quarterly report to the Senate Committee on Appropriations, House Committee on Appropriations, Senate Committee on Commerce, Science, and Transportation, and the House Committee on Energy and Commerce. This must be done each quarter until September 30, 1985. In addition, the Federal Communications Commission must publish each quarterly report in the **Federal Register** until September 30, 1985.

DATE: This report is for the period from January 1, 1984 through March 31, 1984.

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

FOR FURTHER INFORMATION CONTACT: Geoffrey Sherman, Office of the Managing Director, (202) 632-6900.

SUPPLEMENTARY INFORMATION: The report for the quarter ending March 31, 1984 is as follows:

William J. Tricarico,

Secretary, Federal Communications Commission.

Federal Communications Commission Travel Reimbursement Experiment

Summary Report

Total Number of Sponsored Events: 10. Total Number of Sponsoring Organizations: 10. Total Number of Commissioners/Employees Attending: 18.

Total Amount of Reimbursement:	
Transportation	$3,910.00
Room	2,759.32
Board	376.18
Other Expenses	598.89
Total	7,644.39

Individual Event Reports Attached.

Individual Event Report

Sponsoring Organization (Name and Address): Titsch Communications, Inc., 2500 Curtis Street, Suite 200, Denver, Colo. 80217.

Date(s) of the Event: February 6-8, 1984.

Description of the Event: To participate in the Land Mobile Radio Equipment Conference in Anaheim, Calif.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Bureau of Chief; 1, Chief, Land Mobile and Microwave Division, Private Radio.

Amount of Reimbursement:	
Transportation	$520.00
Room	432.00
Board	130.90
Other Expenses	86.71
Total	1,169.61

Sponsoring Organization (Name and Address): American Advertising Federation, 1400 K Street NW., Suite 1000, Washington, D.C. 20005.

Date(s) of the Event: February 22-23, 1984.

Description of the Event: To attend the "Advertising Public Policy Seminar" in Los Angeles, Calif.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, General Counsel, Office of the General Counsel.

Amount of Reimbursement:	
Transportation	$0
Room	75.00
Board	0
Other Expenses	0
Total	75.00

Sponsoring Organization (Name and Address): Association of Independent Television Stations, Inc., 1200 Eighteenth Street NW., Washington, D.C. 20036.

Date(s) of the Event: January 14-17, 1984.

Description of the Event: To participate in the Association of Independent Television Station's 11th Annual convention in Los Angeles.

Name(s) of Commissioners Attending: Commissioner Quello, Commissioner Dawson.

Number and Title of other Employees Attending: 1, Attorney Advisor; 1, Special Assistant, Office of Commissioner Dawson; 1, Chief of Staff, Office of the Chairman; 1, Attorney Advisor, Office of Commissioner Patrick.

Amount of Reimbursement:	
Transportation	$1,700.00
Room	1,054.00
Board	46.99
Other Expenses	123.93
Total	2,924.91

Sponsoring Organization (Name and Address): National Association of Business and Educational Radio, 1330 New Hampshire Avenue NW., Washington, D.C. 20036.

Date(s) of the Event: March 7-9, 1984.

Description of the Event: To speak at the annual meeting of NABER in Orlando, Fla.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Bureau Chief, Private Radio Bureau; 1, Bureau Chief, Mass Media Bureau.

Amount of Reimbursement:	
Transportation	$396.00
Room	256.80
Board	50.25

Other Expenses	52.20
Total	755.25

Sponsoring Organization (Name and Address): New York Law School, Communications Media Center, 57 Worth Street, New York, N.Y. 10013.

Date(s) of the Event: March 1, 1984.

Description of the Event: To attend the graduate Colloquium of the Communications Media Center, New York Law School, in New York.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, General Counsel, Office of the General Counsel.

Amount of Reimbursement:

Transportation	$86.00
Room	0
Board	0
Other Expenses	53.05
Total	139.05

Sponsoring Organization (Name and Address): Law and Business, Inc., 757 Third Avenue, New York, N.Y. 10017.

Date(s) of the Event: January 26–29, 1984.

Description of the Event: To participate in a seminar on "Telecommunications Landscape" in New York.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Deputy Bureau Chief, Common Carrier Bureau.

Amount of Reimbursement:

Transportation	$86.00
Room	0
Board	41.00
Other Expenses	68.00
Total	195.00

Sponsoring Organization (Name and Address): National Association of Broadcasters, 1771 N Street, NW., Washington, D.C. 20036

Date(s) of the Event: February 27–29, 1984.

Description of the Event: To participate in political seminar of Western State Broadcasters Associations in Denver, Colo.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Supervisory Attorney Advisor, Mass Media Bureau.

Amount of Reimbursement:

Transportation	$298.00
Room	117.92
Board	22.54
Other Expenses	47.88
Total	486.34

Sponsoring Organization (Name and Address): North Carolina Association of Broadcasters, B&T Building, Suite 300, Raleigh, N.C. 27602.

Date(s) of the Event: January 10–11, 1984.

Description of the Event: To attend the 1984 Political Broadcasting Seminar in Raleigh, N.C.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Supervisory Attorney Advisor, Mass Media Bureau.

Amount of Reimbursement:

Transportation	$98.00
Room	41.60
Board	0
Other Expenses	12.00
Total	151.60

Sponsoring Organization (Name and Address): Telocator Network of America, 2000 M Street NW., Suite 230, Washington, D.C. 20036.

Date(s) of the Event: March 14–16, 1984.

Description of the Event: To attend semi-annual meeting in Norfolk, Va.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Attorney Advisor, Private Radio Bureau.

Amount of Reimbursement:

Transportation	$98.00
Room	107.00
Board	59.00
Other Expenses	92.51
Total	356.51

Sponsoring Organization (Name and Address): NATPE International, Inc., 310 Madison Avenue, Suite 1207, New York, N.Y. 10017.

Date(s) of the Event: February 10–14, 1984.

Description of the Event: To attend the 1984 NATPE Conference in San Francisco.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Attorney Advisor, Office of Commissioner Quello; 1, Attorney Advisor, Office of the Chairman.

Amount of Reimbursement:

Transportation	$628.00
Room	675.00
Board	25.50
Other Expenses	62.62
Total	1,391.12

Note.—Reimbursement Estimated—Travel processing not complete or Reimbursement billed, but not received.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-12426 Filed 5-8-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 84-422; File Nos. BPCT-831202KE, et al.]

Family Television 30, Inc., et al.

In re applications of Family Television 30, Inc., (MM Docket No. 84-422, File No. BPCT-831202KE), Benny W. Moore, Jerry W. Dixon and Tony R. Stove d/b/a Wilson Media, Ltd., (MM Docket No. 84-423, File No. BPCT-840117KG), Elcom, Inc. (MM Docket No. 84-424, file No. BPCT-840119KF), Benjamin T. Perry, III and American Telecasters, Inc. d/b/a Wilson Telecasters, Ltd. (MM Docket No. 84-425, File No. BPCT-840119KG), for construction permit for new TV station, Channel 30, Wilson, North Carolina.

Adopted: April 26, 1984.

Released: May 3, 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 of Family Television 30, Inc. (Family), Wilson Media, Ltd. (Media), Elcom, Inc. (Elcom), and Benjamin T. Perry, III and American Telecasters, Inc. d/b/a Wilson Telecasters, Ltd. (Telecasters) for authority to construct a new commercial television station on channel 30, Wilson, North Carolina.

2. On March 8, 1984, the Association of Maximum Service Telecasters, Inc. filed an informal objection to the application of Telecasters on the ground that its proposed transmitter site would be short-spaced 1 mile to station WUNK-TV, channel 25, Greenville, North Carolina. § 73.610 of the Commission's Rules requires a minimum separation of 20 miles between a station operating on channel 30 and a station or city to which channel 25 is allocated. Telecasters has requested a waiver. An issue will be specified to determine whether circumstances exist warranting a waiver of the rule. In assessing the circumstances to determine whether a waiver is warranted, the Administrative

Law Judge should consider the fact that the other three competing applicants in this proceeding have specified fully-spaced sites.

3. Section II, item 3(a), FCC Form 301, inquires whether the applicant is in compliance with the provisions of section 310 of Communications Act of 1934, as amended, relating to interests of aliens and foreign governments. Elcom's response indicates that it may not be in compliance with section 310 or the Act. Elcom will be required to submit clarification of its response to the presiding Administrative Law Judge within 20 days after this Order is released.

4. No determination has been made that the tower heights and locations proposed by Media, Elcom and Telecasters [1] would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

5. The effective radiated power, antenna heights above average terrain and other technical data submitted by the applicants indicate that there would be a significant difference in the size of the area and population which would be served by each. Consequently, for the purpose of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B) contours, together with the availability of other television service of Grade B or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

6. Since grant of the Family or Telecasters application would constitute a major environmental action as defined by § 1.1305(a) of the Commission's Rules, Family and Telecasters are each required to submit the environmental impact information described in § 1.1311. Family has not filed an environmental narrative statement. Although, Telecasters acknowledges that its proposal would constitute a major environmental action, it merely concludes that ". . . no adverse environmental impact is anticipated as a consequence of the construction of these facilities." a more detailed statement is required addressing the areas of concern set out in § 1.1311 of our Rules. Accordingly, each of the Applicants will be required to file, within 20 days of the release of this Order, an environmental narrative statement with the presiding Administrative Law Judge. In addition, a copy shall be filed with the Chief, Video Services Division, who will then proceed in accordance with the provisions of § 1.1313(b). Accordingly, § 1.1317 of the Rules will be waived to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. See *Golden State Broadcasting Corp.*, 71 F.C.C. 2d 229(1979) *recon. denied sub nom. Old Pueblo Broadcasting Corp.*, 83 F.C.C 2d 337(1980).

7. Section 73.685(f) of the Commission's Rules requires an applicant proposing to use a directional antenna to include a tabulation of relative field pattern, oriented so that 0° corresponds to True north and tabulated at least every 10° plus any minima or maxima. Family, Media and Telecasters have not supplied this data. Accordingly, each will be required to submit an amendment with the appropriate information, to the presiding Administrative Law Judge and a copy to the TV Branch, Mass Media Bureau, within 20 days after this Order is released.

8. Media specified 858 feet as the overall height of its antenna supporting structure above ground (AGL) in section V–C, item 6 of its application. This does not agree with the AGL of 862 feet in its Engineering Exhibit, page 8, figure 1. Media will be required to submit an amendment correcting the discrepancy to the presiding Administrative Law Judge within 20 days after this Order is released.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these 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 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 Wilson Media, Ltd., Elcom, Inc. and Wilson Telecasters, Ltd., whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. If a final environmental impact statement is issued with respect to Family Television 30, Inc., or Wilson Telecasters, Ltd. which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) to determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by sections 1.1301–1319 of the Commission's Rules; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

3. To determine, with respect to Benjamin T. Perry, III and American Telecasters, Inc., d/b/a Wilson Telecasters, Ltd., whether the application is consistent with the minimum mileage separation requirements of § 73.610 of the Commission's Rules, and if not, whether circumstances exist which would warrant a waiver of the Rule.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. 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 Association of Maximum Service Telecasters, Inc. is made a party respondent to this proceeding with respect to issue three only.

12. It is further ordered, That Elcom, Inc. shall submit a statement clarifying its response to section II, item 3(a), FCC Form 301, to the presiding Administrative Law Judge within 20 days after this Order is released.

13. It is further ordered, That § 1.1317 of the Commission's Rules IS WAIVED to the extent indicated herein. Within 20 days of the release of this Order, Family Television 30, Inc., and Wilson Telecasters, Ltd. shall each submit an amended environmental narrative statement rquired by § 1.1311 of the Rules to the presiding Administrative Law Judge, with a copy to the Chief, Video Services Divison.

14. It is further ordered, That Family Television 30, Inc., Wilson Media, Ltd., and Benjamin T. Perry, III and American Telecasters, Inc., d/b/a Wilson Telecasters, Ltd. shall each submit an amendment providing the information required by § 73.685(f) of the Commission's Rules, to the presiding Administrative Law Judge and a copy to TV Branch, Mass Media Bureau, within 20 days after the date of the release of this Order.

15. It is further ordered, That Wilson Media, Ltd., shall submit to the presiding Administrative Law Judge within 20 days after this Order is released, an

[1] The Commission is not in receipt of FAA's determination for the tower proposed by Media, Elcom and Telecasters.

amendment correcting the overall height above ground in Section V–C, item 6, FCC Form 301 or its Engineering exhibit.

16. It is further ordered, That the Federal Aviation Administration IS MADE A PARTY RESPONDENT to this proceeding with respect to issue 1.

17. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the parties 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, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

18. It is further ordered, That the applicants 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. 84–12429 Filed 5–9–84; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 84–416, File No. BP–801105AC, et al.]

Midway Broadcasting Co., et al.; Hearing Designation Order

In re applications of Midway Broadcasting Co., Maywood-Chicago, Illinois, Req: 1200 kHz, 2.5 kW, 5 kW-LS, DA–2, U, MM Docket No. 84–416, File No. BP–801105AC; Stevens Broadcasting Corp., WMRO(AM), Aurora, Illinois, Has: 1280 kHz, 500 W, 2.5 kW-LS, DA–2, U, Req. 1200 kHz, 1 kW, 10 kW-LS, DA–N, U, MM Docket No. 84–417, File No. BP–801205AI; Suburbanaire, Inc., WAWA(AM), West Allis-Milwaukee, Wisconsin, Has: 1590 kHz, 1 kW, DA–D, Req: 1200 kHz, 2.5 kW, 5 kW-LS, DA–N, U, MM Docket No. 84–418, File No. BP–801222AA; Chicagoland Christian Radio, Inc., Frankfort, Illinois, Req: 1200 kHz, 1 kW, 5 kW-LS, (2.5 kW-CH), DA–3, U, MM Docket No. 84–419, File No. BP–810105AB; Publimet Broadcasting Co., Inc., Melrose Park, Illinois, Req: 1200 kHz, 2.5 kW, 5 kW-LS, DA–2, U, MM Docket No. 84–420, File No. BP–810105AD; CID Broadcasting Inc., Chicago, Illinois, Req: 1200 kHz, 2.5 kW, 10 kW-LS, DA–2, U, MM Docket No. 84–421, File No. BP–810105AE; for construction permit.

Adopted: April 25, 1984.

Released: May 3, 1984.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the mutually exclusive applications of Midway Broadcasting Company (Midway), Stevens Broadcasting Corporation (Stevens), Suburbanaire, Inc. (Suburbanaire),[1] Chicagoland Christian Radio, Inc. (CCR), Publimet Broadcasting Company, Inc. (Publimet),[2] and CID Broadcasting, Inc. (CID).[3][4] Also before the Commission are petitions to deny and informal objections filed by the various applicants[5] and outside parties, and pleadings responsive thereto.

2. *The WOAI petition.* Clear Channel Communications, Inc. (CCCI), licensee of Class I–A clear channel station WOAI, San Antonio, Texas, has filed petitions against the proposed operations of all six applicants.[6]

3. CCCI seeks an inquiry into the effect of these proposals on the nighttime operation of WOAI, arguing that new services on it frequency may cause interference to existing WOAI listners.[7] We have, however, already acknowledge the possibility of such interference but have found it a necessary cost of satisfying the need for additional services on Class I–A clear channels. *Clear Channel Broadcasting in the AM Broadcast Band*, 78 FCC 2d 1345, 1367 (1980); *recon. granted in part and denied in part*, 83 FCC 2d 216 (1981); *aff'd sub nom. Loyola University v. FCC*, 670 F.2d 1222 (D.C. Cir. 1982). No basis for further inquiry thus exists.

4. *Midway.*[8] Midway states in its application that it will discontinue its shared-time arrangement with Migala Enterprises for AM station WXOL, Cicero, Illinois, if the present proposal is granted. Accordingly, an appropriate divestiture condition will be specified below.

5. A petition to intervene and to deny has been filed by Westinghouse Broadcasting Company, Inc., licensee of WOWO (AM), Fort Wayne, Indiana, alleging that Midway's proposed 0.5 mV/m contour would overlap the existing 0.5 mV/m contour of WOWO in contravention of § 73.37(a) of our Rules. Pursuant to an amendment submitted by

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[1] Suburbanaire has filed four petitions for leave to amend. The first petition, dated June 15, 1981, is unnecessary because the amendment could still be filed as a matter of right pursuant to § 73.3522(a)(2) of the Rules. The June 18, 1982 petition reports changes in the broadcast interests of the applicant; the July 13, 1983 petition reports the election of Willie D. Davis, president and controlling stockholder, as a director of Metro-Goldwyn-Mayer/United Artists, Alliance Bank of Culver City, California, and Fireman's Fund Insurance Company; the November 4, 1983 petition reports the appointment of Thomas Weaver as general manager of WAWA. These three petitions are acceptable pursuant to §§ 73.3514 and 1.65 of the Commission's Rules.

[2] Publimet has filed a minor technical amendment dated February 16, 1982 in response to the Commission's letter request; this amendment is acceptable under § 1.65 of our Rules. In addition, Publimet filed a petition for leave to amend, dated June 15, 1982, to report changes in the broadcast interests of Jaime A. Santillana, Publimet's president. The amendment complies with the Commission's requirement under Section 1.65 that each applicant's application be kept current, complete, and accurate; the petition will therefore be granted.

[3] CID has filed a petition for leave to amend, dated April 11, 1983, to reflect the interest of one of its principals, Arthur R. Velasquez, in an application for a new UHF broadcast station in Chicago. Mr. Velasquez has stated his intent to divest himself of all interest in Monroe Communications Corporation, the proposed licensee of the UHF station, in the event that the CID application is granted. Another principal, Joseph G. Antelo, has stated that he is presently vice-president of WGN(AM), Chicago, Illinois; he will divest himself of all interest in WGN if the CID application is granted. An appropriate condition will be specified.

[4] CID has also filed a petition for leave to amend, dated April 25, 1983, reflecting that Arthur B. Velasquez was elected a director of Illinois Bell Telephone Company, Chicago, Illinois. Mr. Velasquez has stated that he will resign from this position if the CID application is granted. An appropriate condition will be specified. Both the April 11 and April 25 petitions have been submitted pursuant to Section 1.65 and are hereby accepted.

[5] A motion to enlarge issues would normally be filed by the parties after designation for hearing pursuant to § 1.229 of the Commission's Rules. Here, however, the pleadings will be considered at this state of the proceeding because the several allegations relate to alleged failures of the parties to meet our criteria governing the acceptance of proposals for filing.

[6] Stevens filed a minor amendment dated May 6, 1982, which removed any conflict which might otherwise have existed between the Stevens application and the pending application of WOAI to make a minor change in its facilities (BP–801205AK). Therefore, under Section 1.65, good cause has been shown for the acceptance of this amendment. Consequently, CCCI, in a letter dated August 18, 1982, withdrew its petition to deny or dismiss as it pertained to the Stevens proposal.

[7] CCCI also alleges, with respect to the CCR and Publimet proposals, that these applications are in fact intended to serve the greater Chicago area rather than the stated communities of Frankfort and Melrose Park, respectively. Our abolition of the suburban community issue, however, (*Report and Order*, 93 FCC 2d 436 (1983)), obviates any need for us to consider this allegation.

[8] Midway has filed a petition for leave to amend, dated July 30, 1982, updating the legal qualifications of the applicant. This amendment is acceptable under Section 1.65 of our Rules. The amendment reports the institution of a suit for copyright infringement against Midway for public performance of copyrighted musical compositions. The applicant has not informed us of any resolution of the case. Thus, we cannot assess its impact on Midway's qualifications to be a Commission licensee. Hence, we will specify no issues at this time, leaving it to the presiding Administrative Law Judge to evaluate subsequent developments as they occur.

Midway, Westinghouse withdrew its petition on April 19, 1981.

6. *Stevens.* A petition to intervene and to deny has been filed by Westinghouse Broadcasting Company, Inc., licensee of AM station WOWO, Fort Wayne, Indiana. Westinghouse has alleged that Stevens' proposed 0.5 mV/m contour would overlap the existing 0.5 mV/m contour of WOWO in violation of § 73.37(a) of the Commission's Rules. After studying the Stevens amendment and the measurements provided by Westinghouse for WOWO, we find that no prohibited overlap would occur. Therefore, the petition will be denied.

7. *CCR.* A petition to dismiss or deny has been filed against the proposed operation of CCR by Suburbanaire, an applicant in this proceeding. Suburbanaire complains that CCR was permitted to modify its proposal by amendment on July 24, 1981, almost two months after the "B" cut-off date established for applications in this proceeding, in contravention of § 73.3522 of our Rules. Without the late-filed amendment, Suburbanaire maintains, the CCR application would have been unacceptable for filing.

8. In the *Revised Procedures for the Processing of Contested Broadcast Applications,* 45 RR 2d 1220, 1228 (1979), we stated that "the proposal to allow one opportunity for amendment to any of the applications after the deadline for filing petitions against any later filed application[s] represents an effort to give the first filed applicant at least a fair opportunity to amend his application." While one group of applications in this proceeding was in fact assigned a May 26, 1981 cut-off date, the last cut-off date for applications pending in this hearing was listed in Report No. B–27 as September 23, 1981. Thus, the amendment submitted by CCR was well within the last "B" cut-off deadline. Consequently, the petition filed by Suburbanaire will be denied.[9]

9. *Waiver issues.* Midway, Suburbanaire, Publimet, and CID have all requested a waiver of § 73.21(a)(2)(ii)(C) of our Rules, which provision limits new Class II–B stations on the clear channel frequencies to 1 kW nighttime power. We have, however, adopted a strict standard for waiver requests of this nature. Waivers will be granted only upon a showing that the higher power proposed is necessary to provide principal city coverage and will not impede our allocation objectives. All of the applicants here have demonstrated that their proposed 2.5 kW nighttime operations are necessary to provide substantial compliance with our coverage requirements.[10] None of these applicants, however, has submitted the required preclusion study. Assuming that the studies establish no significant preclusion, a waiver of § 73.21(a)(2)(ii)(C) of our Rules is justified. If any of the applicants cannot demonstrate a lack of significant preclusion for its 2.5 kW proposal, though that applicant must drop back to the prescribed 1 kW nighttime power limit. To the extent that our coverage requirements would not be met by the 1 kW proposal, a waiver of the § 73.24(j) residential and business district coverage requirements would be required. Such requests may be addressed to the presiding Administrative Law Judge should this prove the case.

10. *Environmental narrative statement issues.* Since the Midway, CCR, and CID proposals constitute major environmental actions as defined by § 1.1305(a) of the Commission's Rules, the applicants are required to submit the environmental impact information described in § 1.1311 of our Rules. Midway's environmental narrative statement fails to state whether construction of the proposed facility has been a source of local controversy in the community; CCR's environmental narrative statement fails to include information concerning access roads and power lines to the site and whether construction has been a source of local controversy; CID's environmental statement fails to include any reference to access roads and power lines.

11. Consequently, Midway, CCR, and CID will be required to file within 30 days of the release of this Order amended environmental narrative statements with the presiding Administrative Law Judge. In addition, copies shall be filed with the Chief, Audio Services Division, who will then proceed regarding this matter in accordance with the provisions of § 1.1313(b). Accordingly, § 1.1317 of the Rules is waived to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. *See Golden State Broadcasting Corp.,* 71 FCC 2d 229 (1979), *recon. denied sub nom. Old Pueblo Broadcasting Corp.,* 83 FCC 2d 337 (1980).

12. *Financial qualifications issues—CID and CCR.* CID has submitted a letter, dated December 30, 1980, from Drover's Bank of Chicago proposing to lend the applicant up to $400,000. The commitment was to be available until December 31, 1983 "if the matter is still pending" before the Commission. Thus, the commitment contained in the bank letter has expired; consequently, CID can no longer demonstrate that it has sufficient funds to construct and operate the station for three months as proposed. Therefore, an appropriate issue will be specified.

13. CCR has stated in its financial plan that its finances are insufficient and that it would "soon commence a major fund raising effort seeking donations." CCR has also stated that it is seeking additional loans from the sources and will submit an amendment to the financial plan. No amendment has been submitted; consequently, we are unable to determine whether CCR has sufficient funds to construct and operate its station for three months as proposed. An appropriate issue will be specified.

14. *Local notice certification issues—Publimet and CCR.* Applicants for new broadcast stations are required to give local notice of the filing of their applications in accordance with § 73.3580 of the Commission's Rules. They must then file proof of such notice or certify that they have or will comply with the public notice requirements. We have no evidence, however, that Publimet and CCR have done either.[11] If they have not already done so, Publimet and CCR will be required to give local public notice and to file a statement that they have complied with the local public notice requirement with the presiding Administrative Law Judge within 30 days of the release of this Order.

15. Except as indicated by the issues specified below, all applicants are qualified to construct and operate as proposed.[12] However, since the

[9] Suburbanaire has also alleged that the CCR proposal is intended to operate as a Chicago urbanized station rather than as a station licensed to Frankfort. As stated previously, our abolition of the suburban community policy obviates any need for us to consider this allegation.

[10] Operating at 2.5 kW, CID's proposed 10.227 mV/m nighttime interference-free contour will cover 72.1% of Chicago. Although this coverage does not constitute substantial compliance with our rules, CID's minority ownership and proposed service to Chicago's Hispanic community justify a waiver of Section 73.24(j) of our Rules. *See D & E Broadcasting Co., Inc. (KEDA),* 70 FCC 2d 646, 648 (1979).

[11] Publimet did publish a local public notice stating that the proposed station would operate with a power of 5 kW nighttime. The proposed operation is in fact 5 kW daytime and 2.5 kW nighttime. consequently, Publimet must submit an amended local notice certification stating the correct power levels for the daytime and nighttime operation.

[12] Operation with the facilities specified herein is subject to modification, suspension or termination without right to hearing, if found by the Commission to be necessarey in order to conform to the Final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements between the United States and other countries.

proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. As the proposals are for different communities, we will specify an issue to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which proposal (or combination of proposals) would best provide a fair, efficient, and equitable distribution of radio service. We will also specify a contingent comparative issue, should such an evaluation of the proposals prove warranted.

16. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communication Act of 1934, as amended, the applications are designated for hearing is 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. If a final environmental statement is issued with respect to Midway Broadcasting Companyland Chicago, Christian Radio, Inc., or CID Broadcasting, Inc. which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment, to determine:

(a) Whether the proposals are consistent with the National Environmental Policy Act, as implemented by §§ 1.1301–1.1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicants are qualified to construct and operate as proposed.

2. To determine with respect to the application of CID Broadcasting, Inc.:

(a) Whether the applicant has available sufficient funds to construct and operate as proposed; and

(b) Whether, in light of the evidence adduced pursuant to (a), the applicant is financially qualified.

3. To determine with respect to the application of Chicagoland Christian Radio, Inc.:

(a) Whether the applicant has available sufficient funds to construct and operate as proposed; and

(b) Whether, in light of evidence adduced pursuant to (a), the applicant is financially qualified.

4. To determine with respect to the proposal of Midway Broadcasting Company, whether circumstances exist which warrant waiver of § 73.21(a)(2)(ii)(C) of the Commission's Rules.

5. To determine with respect to the proposal of Suburbanaire, Inc., whether circumstances exist which warrant waiver of § 73.21(a)(2)(ii)(C) of the Commission's Rules.

6. To determine with respect to the proposal of CID Broadcasting Company, Inc., whether circumstances exist which warrant waiver of § 73.21(a)(2)(ii)(C) of the Commission's Rules.

7. To determine with respect to the proposal of Publimet Broadcasting Company, Inc., whether circumstances exist which warrant waiver of § 73.21(a)(2)(ii)(C) of the Commission's Rules.

8. To determine the areas and populations that would receive primary service from each proposal and the availability of other primary aural services to such areas and populations.

9. 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.

10. To determine, in the event it is concluded that a choice among the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

11. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

17. It is further ordered, that § 1.1317 of the Commission's Rules is waived to the extent indicated herein. Within 30 days of the release of this Order, Midway Broadcasting Company, Chicagoland Christian Radio, Inc., and CID Broadcasting, Inc. shall submit the amended environmental narrative statement required by § 1.1311 of the Rules to the presiding Administrative Law Judge with a copy to the Chief, Audio Services Division.

18. It is further ordered, that Publimet Broadcasting Company, Inc., and Chicagoland Christian Radio, Inc. shall comply with the local notice provision of § 73.3580 of the Commission's Rules, as discussed above, and advise the presiding Administrative Law Judge as to compliance within 30 days of the release of this Order.

19. It is further ordered, that the petitions to dismiss and/or deny and for other appropriate relief filed by Clear Channel Communications, Inc. are denied with respect to Midway Broadcasting Company, Suburbanaire, Inc., Chicagoland Christian Radio, Inc., Publimet Broadcasting Company, Inc., and CID Broadcasting Company, and dismissed with respect to Stevens Broadcasting Corporation.

20. It is further ordered, that the petition to intervene and to deny filed by Westinghouse Broadcasting Company, Inc. against the proposed operation of Midway Broadcasting Company, is dismissed.

21. It is further ordered, that the petition for leave to amend filed by Midway Broadcasting Company on July 30, 1982, is granted and the accompanying amendment, is accepted.

22. It is further ordered, that in the event that the Midway Broadcasting Company application is granted, the construction permit shall contain the following condition:

Midway Broadcasting Company, Inc. shall divest itself of all interest in WXOL(AM), Cicero, Illinois, prior to grant of program test authorization.

23. It is further ordered, That the petition to intervene and to deny filed by Westinghouse Broadcasting Company, Inc. against the proposed operation of Stevens Broadcasting Corporation, is denied.

24. It is further ordered, That the amendment filed by Stevens Broadcasting Corporation on May 6, 1982, is accepted.

25. It is further ordered, That the petition for leave to amend filed by Suburbanaire, Inc. on June 16, 1981, is dismissed as moot; the petitions for leave to amend filed by Suburbanaire, Inc. on June 21, 1982, July 18, 1983, and November 8, 1983, are granted.

26. It is further ordered, That the petition to dismiss or deny filed by Suburbanaire, Inc. against the proposed operation of Chicagoland Christian Radio, Inc., is denied.

27. It is further ordered, That the amendment filed by Publimet Broadcasting Company, Inc. on February 16, 1982, is accepted and the petition for leave to amend filed by Publimet Broadcasting Company, Inc. on June 15, 1982, is granted.

28. It is further ordered, That the petitions for leave to amend filed by CID Broadcasting, Inc. on April 11, 1983 and April 25, 1983, are granted and the accompanying amendments, are accepted.

29. It is further ordered, That in the event that the CID Broadcasting, Inc. application is granted, the construction permit shall contain the folowing conditions:

(a) Arthur R. Velasquez will divest himself of all interest in Monroe Communications Corporation and in the Illinois Bell Telephone Company prior to grant of program test authorization; and

(b) Joseph G. Antelo will divest himself of all interest in WGN(AM) prior to grant of program test authorization.

30. It is further ordered, That to avail themselves of the opportunity to be

heard, the applicants 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, 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.

31. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 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.

W. Jan Gay,

Assistant Chief, Audio Services Division Mass Media Bureau.

[FR Doc. 84-12431 Filed 5-8-84; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 82-54]

Space Charter Agreements in the United States/Japan Trades; Order Further Amending Order of Investigation and Conditionally Approving Certain Agreements Pendente Lite

This proceeding was instituted by Order of Investigation and Hearing served on November 19, 1982. That Order was issued in response to *Sea-Land Service, Inc. v. United States,* 683 F.2d 491 (D.C. Cir. 1982), which remanded a previous Commission order conditionally approving, pursuant to section 15 of the Shipping Act, 1916, 46 U.S.C. 814, a series of space charter and revenue pooling agreements among Japanese-flag lines (Proponents) [1] in the United States/Japan trades. The Court of Appeals directed the Commission to conduct further evidentiary hearings on certain issues raised by U.S.-flag carriers that had protested the agreements (Protestants).

On August 19, 1983, the Commission served an "Order Amending Order of Investigation and Conditionally Approving Certain Agreements *Pendente Lite*" (August 19 Order).[2] The Commission therein approved five-year extensions of Proponents' space charter agreements [3] for the duration of this proceeding, on condition that Proponents freeze the total capacity (*i.e.,* space available for chartering *and* space reserved for the vessel owner) of the vessels to be operated under the agreements to the capacity levels then being operated. The Commission also determined not to approve Proponents' revenue pooling agreements *pendente lite.*[4] The August 19 Order further required Proponents to amend the space charter agreements to reflect their agreement to limit their fleet capacities and to file reports showing the name, owner, flag and capacity of each vessel operated under each agreement.

Proponents filed such amendments and reports in compliance with the Order's requirements by the deadline of October 26, 1983. In the meantime, however, they filed on September 16, 1983 a petition for reconsideration of the August 19 Order and for a limited reopening of the record. On October 18, Proponents filed in the U.S. Court of Appeals a petition for review of the August 19 Order. On October 28, they filed before the Commission a "Motion to Clarify Ambiguities and/or Inadvertent Errors," seeking a ruling that the August 19 Order permitted them to operate the vessel *Tokyo Maru* under Agreement No. 9835. On November 1, the Commission heard oral argument on the legal question of our authority to limit total vessel capacity as a condition of approval of the space charter agreements. Finally, on November 4, Proponents filed a "Motion for Leave to Submit the Most Recently Available Cargo and Operational Data," which requested that the record before the Commission regarding Proponents' petition for reconsideration be reopened to include their cargo and capacity utilization results for the period July–October 1983.

On December 1, 1983, the Commission was informed that settlement negotiations between Proponents and Protestants were close to fruition, that the resulting new agreements could resolve the issues in this proceeding and that a temporary delay in Commission action on the matters before us would facilitate the negotiations. On the basis of this information, the Commission determined to delay adjudication of Proponents' pleadings pending the outcome of the settlement negotiations.[5]

On January 16, 1984, Proponents filed a series of new space charter agreements before Administrative Law Judge Joseph N. Ingolia (Presiding Officer), with Proponents characterize as resolving the concerns of Protestants. The revised Agreements are designated as Nos. 9718–10, 9731–10, 9835–7 and 9975–9. Proponents also withdrew from consideration their two revenue pooling agreements. Also on January 16, Proponents filed a motion in the U.S. Court of Appeals to dismiss their petition for review of the August 19 Order; that motion was granted by the Court on January 27. On February 13, Proponents submitted to the Presiding Officer some further changes in the space charter agreements which resulted from discussions between them and the Bureau of Hearing Counsel.[6]

On February 22, 1984, Proponents filed a motion before the Commission entitled "Motion to Amend Order of Conditional Approval *Pendente Lite* and to Expedite Consideration Thereof" (Motion to Amend). Proponents request that the Commission increase, pending final resolution of this proceeding, the limitations on total fleet capacities placed on them in our August 19 Order. Hearing Counsel and American President Lines, Ltd., one of the Protestants, filed replies stating that they did not oppose Proponents' Motion.[7] Proponents have also withdrawn their September 16, 1983 petition for reconsideration, their October 28, 1983 "Motion to Clarify Ambiguities" and their November 4, 1983 "Motion for Leave to Submit the Most Recently Available Cargo and Operational Data." [8] The Motion to Amend filed February 22, 1984 is submitted in lieu of the earlier motions and is now the only pleading before the Commission.

The Motion To Amend

Proponents' Motion advises that Protestants now do not oppose the space charter agreements as revised and filed with the Presiding Officer, and that a final resolution of this proceeding therefore should be achieved within a relatively brief period of time. They also

[1] Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Showa Line, Ltd. and Yamashita-Shinnihon Steamship Co., Ltd.

[2] Reported at 22 Pike & Fischer Shipping Regulation Reports (S.R.R.) 307.

[3] Agreements Nos. 9718, 9731, 9835 and 9975.

[4] The pooling agreements (Nos. 10116 and 10274) were approved only through October 31, 1983 to permit Proponents to reorder their affairs.

[5] Proponents had filed on December 6, 1983, a "Motion to Withhold Consideration" by the Commission of their various pleadings. Although no order addressing the motion has been issued, the motion in effect was granted.

[6] The agreements were not renumbered as a result of these further changes.

[7] The other Protestants, Sea-Land Service, Inc. and Lykes Bros. Steamship Co., did not reply to the Motion.

[8] The withdrawal of the September 16 and November 4 pleadings is stated on p. 4 of the Motion to Amend. Proponents withdrew their October 28 motion in a letter dated February 29, 1984 to the Secretary of the Commission.

state that there is sufficient cargo moving in the trades to accommodate the requested increase in capacity, that their utilization results have been improving steadily and that they need the additional capacity to serve the needs of their customers. The Motion is supported by, *inter alia*, four affidavits by officials of various individual Proponents.

The increases in capacity sought by the Motion involve, first, an 873 twenty-foot equivalent unit (TEU) increase under Agreement No. 9718, which covers a service between Japan and Korea and California. In October 1983, the new vessel *Japan Alliance* replaced an older, smaller vessel in that service. The 873 TEU's represent the incremental capacity of the new vessel. Under the terms of the August 19 Order, that added capacity has been sealed off and not offered in the trade.[9] The total amount of cargo (measured in TEU's) carried eastbound under Agreement No. 9718 during July-December 1983 increased by 36 percent over the results for July–December 1982.[10] The parties' eastbound utilization results improved from 68 percent in July–December 1982 to 85 percent in July–December 1983.[11] The requested increase of 873 TEU's would represent an increase of eight percent in the total fleet capacity operated under the Agreement. Proponents also contend that the *Japan Alliance* was built solely for operation under Agreement No. 9718 and that there is no other trade in which the vessel could economically and reasonably have been deployed.[12]

The Motion to Amend also seeks increases under Agreement No. 9731, which covers a service between Japan and California, Alaska and Hawaii, and under Agreement No. 9835, which covers a service between Japan and Oregon and Washington. Under Agreement No. 9835, the new 1728–TEU vessel *Shin Beishu Maru* replaced an older vesel of 1187 TEU's in January, 1984; the incremental capacity of 541 TEU's again has been sealed off and not offered in the trade.[13] In April or May of this year, the new 1694–TEU vessel *Hyuga Maru* will replace the 1157–TEU vessel *Hiei Maru* in the Agreement No. 9835 service. The latter ship in turn will be redeployed to the Agreement No. 9731 service to replace an loder vessel of 977 TEU's.[14] These changes would enlarge total fleet capacity operated under Agreement No. 9731 by 180 TEU's (3.5 percent more than current capacity) and enlarge capacity operated under Agreement No. 9835 by 1,078 TEU's (13.5 percent more than current capacity).[15]

The total amount of cargo (measured in TEU's) carried eastbound under Agreement No. 9731 during July–December 1983 increased by 37 percent over the results for July–December 1982.[16] The parties' eastbound utilization results improved from 69 percent in July–December 1982 to 80 percent in July–December 1983.[17] Total eastbound cargo carryings under Agreement No. 9835 during July–December 1983 increased by 25 percent over the results for July–December 1982, and the parties' eastbound utilization results improved from 80 percent to 98 percent.[18] Moreover, *westbound* utilization factors in the Agreement No. 9835 trade have consistently been in the range of 90 percent.[19] Proponents again state that neither of their two new vessels (the *Shin Beishu Maru* and the *Hyuga Maru)* could operate economically in any of their non-U.S. services, as those trades are currently depressed.[20]

Discussion

Proponents' request for an increase in fleet capacities has merit. The limitations imposed by the August 19 Order were the product of Commission's concern that Proponents' fleet enlargements were being carried out in the face of utilization results that severely declined from January–June 1981 to July–December 1982.[21] The Commission feared that unless some controls were placed on the size of Proponents' fleets, interim approval of the space charter agreements might contribute indirectly to overtonnaging in the trades and contradict the essential rationale for the agreements. The data now supplied by Proponents indicate that their utilizations have recovered strongly and should continue to do so. Proponents' results for July–December 1983 indicate that their eastbound voyages are operating at or near capacity,[22] and that an increase in capacity is necessary to serve the needs of the trades. The capacity increases are relatively minor. The only significant increase (of 13.5 percent) is proposed for the Agreement No. 9835 service, which is experiencing very high utilizations of 98 percent eastbound and 90 percent westbound.

Proponents' previous efforts to undo the limits imposed by the August 19 Order have been based on questionable information. The data and other material now supplied are far more reliable. They are supported by sworn affidavits rather than arguments of counsel. The utilization data themselves are for a full six-month period rather than a fraction thereof (thus avoiding any problem of seasonality), and have been submitted after a reasonable period of time for verification has elapsed (thus lessening any doubts about their accuracy). Messrs. Kawamura and Hirano state clearly in their affidavit that their testimony was developed with the assistance of and has been endorsed by all Proponents (¶ 6).

However, there are some procedural complexities attendant to Proponents' Motion. The August 19 Order included within this proceeding Proponents' agreements (*i.e.*, four space charter agreements and two pooling agreements) *as then written*. It also approved the four space charter agreements *pendente lite* upon the condition that Proponents limit the size of their fleets operated under those agreements. In now asking the Commission to amend the August 19 Order by revising the fleet limitations, Proponents have not specifically withdrawn the old space charter agreements (Nos. 9718–9, 9731–9, 9835–6 and 9975–8) nor have they specifically requested that the new space charter agreements, as revised through February 13, 1984, be approved *pendente lite*. However, the brief filed by Proponents before the Presiding Officer on March 6, 1984 makes it clear that they are asking only that the new space charter

[9] Kawamura-Hirano Affidavit at ¶¶ 13, 29. The Commission has no information contradicting Proponents' assertions on this point.

[10] *Id.* at ¶ 18.

[11] *Id.* at ¶ 20. Proponents' westbound utilization results under the two California Agreements (Nos. 9718 and 9731) continue to lag in the 60–70 percent range. *Id.* at ¶ 22. Proponents characterize the eastbound legs as "dominant" in the California services and contend that the eastbound results govern the capacity which they must offer to meet the needs of their customers. *Id.*

[12] Hattori Affidavit at ¶ 5.

[13] *See* n. 9, *supra.*

[14] Kawamura-Hirano Affidavit at ¶ 14.

[15] *Id.* at ¶ 12.

[16] *Id.* at ¶ 18

[17] Id. at ¶ 20.

[18] *Id.* at ¶¶ 18, 20.

[19] *Id.* at ¶ 22. Thus, the Pacific Northwest service has achieved better westbound results than the two California services. *See* discussion at n. 11, *supra.* Proponents also assert that 90 percent westbound utilizations are the equivalent of running full in the Pacific Northwest trade, because the greater density of westbound cargo in that trade causes vessels to reach operating capacity before they reach design capacity. Kawamura-Hirano Affidavit at ¶ 23.

[20] Koyama Affidavit at ¶ 6, Hirano Affidavit at ¶ 7.

[21] 22 S.R.R. at 312.

[22] The results for the Agreement No. 9731 service shows a utilization of 80 percent. However, given the strength of the U.S. economic recovery, it is reasonable to assume that utilization has continued to improve since the end of 1983. Moreover, the increase in capacity requested by Proponents for that service is *de minimis*, only 180 TEU's.

Agreements Nos. 9718–10, 9731–10, 9835–7 and 9975–9 be approved.[23] Thus, the old space charter agreements have been superseded and no longer represent Proponents' intended working relationships. Continued *pendente lite* approval of those agreements would confuse the record and contradict the Commission's established policy against continued approval of agreements which are no longer operative. *Rates on U.S. Government Cargoes*, 11 F.M.C. 263, 268–87 (1967). The correct procedure is to further amend the November 19, 1982 Order of Investigation to include the four new Agreements and approve *those* Agreements *pendente lite*, upon condition that the fleet capacities operated under the Agreements be limited as requested by Proponents.[24]

As proponents point out, the apparently altered posture of Protestants toward the new Agreements means that the resolution of this proceeding should be achieved far more quickly than the Commission contemplated in the August 19 Order, thus lessening the anticompetitive impact of *pendente lite* approval of the Agreements on Protestants and other competitors of Proponents.[25] Such impact has also been lessened by the termination and subsequent withdrawal of the pooling agreements. Given those facts, and the disruption of the trades which abrupt cessation of the Agreements would cause,[26] *pendente lite* approval of the new Agreements is justified.

It should be noted that Proponents do not request any *pendente lite* adjustment to the present limitations on the amount of space they can cross-charter under the Agreements. In addition, Proponents apparently are no longer requesting approval of Agreement No. 9718–8, in which the four parties to that Agreement proposed to raise the total amount of container capacity which they may cross-charter on an annual basis among themselves from 8,512 to 10,011 TEU's. Agreement No. 9718–8 was first made the subject of a separate investigation (Docket No. 81–74) and later included in this Docket. In completing the hearing and preparing his Initial Decision, the Presiding Officer has discretion to amend the issues specified in the November 19, 1982 Order of Investigation in order to reflect Proponents' revision of the space charter agreements and withdrawal of the pooling agreements and Agreement No. 9718–8.

Therefore, it is ordered, That the Order of Investigation and hearing served on November 19, 1982 be amended to include Agreements Nos. 9718–10, 9731–10, 9835–7 and 9975–9, as submitted;

It is further ordered, That the *pendente lite* approval of Agreements Nos. 9718–9, 9731–9, 9835–6 and 9975–8 is hereby terminated;

It is further ordered, That Agreements Nos. 9718–10, 9731–10, 9835–7 and 9975–9 are approved *pendente lite* on condition that Proponents continue to abide by the limits stated in the Commission's January 16, 1981 Order of Conditional Approval on the amounts of container space which can be cross-chartered under each agreement;

It is further ordered, That Agreements Nos. 9718–10, 9731–10, 9835–7 and 9975–9 are approved *pendente lite* on the additional condition that Proponents continue to submit to the Commission semi-annual reports in the format stated in the January 16, 1981 Order;

It is further ordered, That Agreement Nos. 9718–10, 9731–10, 9835–7 and 9975–9 are approved *pendente lite* on the additional condition that, within 30 days from the date of this Order, they are each amended to reflect their parties' agreement to limit the total liner container vessel capacities deployed in each trade to which each agreement applies as follows:

Agreement No. 9718—11,794 TEU's
Agreement No. 9731—5,309 TEU's
Agreement No. 9835—9,077 TEU's
Agreement No. 9975—14,358 TEU's

It is further ordered, That if Agreements Nos. 9718–10, 9731–10, 9835–7 and 9975–9 are not amended as required by the fifth ordering paragraph above, within the time prescribed, the approval granted herein shall become null and void on the 31st day following the date of this Order.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84–12506 Filed 5–8–84; 8:45 am]

BILLING CODE 6730–01–M

[23] In addition, the Motion to Amend states that the relief requested therein would operate only prospectively. Motion at 1, n. 1.

[24] Proponents have not requested any adjustment to the present fleet capacity limit attached to Agreement No. 9975.

[25] *Compare* 22 S.R.R. at 310, where we stated: The Commission is also mindful that pendente lite approval of these agreements will extend for a considerable period of time. The range of issues in this proceeding is extensive and involves complex questions of fact and law. Oral hearings before the presiding Administrative Law Judge are scheduled to commence in October. It will be many more months before an Initial Decision can be issued, exceptions and replies filed, and the Commission's own decision issued. Thus any pendente lite approval will have a substantial and long-lasting impact on the trades and the protestants.

[26] *Id.* at 313.

FEDERAL RESERVE SYSTEM

Bank of Boston Corporation; Applications to Engage de Novo in Nonbanking Activities

The company listed in this notice has filed applications under § 225.23(a)(3) 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 engage *de novo* through national bank subsidiaries in deposit-taking, including the taking of demand deposits, and other activities specified below. The proposed subsidiaries will not engage in commercial lending transactions as defined in Regulation Y. The Board has determined by order that such activities are closely related to banking. *U.S. Trust Company* (Press Release of March 23, 1984). Although the Board is publishing notice of these applications, under established Board policy the record of the applications will not be regarded as complete and the Board will not act on the applications unless and until a preliminary charter for each proposed national bank subsidiary has been submitted to the Board.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the applications have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the applications must be received at the Federal Reserve Bank or the offices of the Board of Governors not later than May 30, 1984.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Bank of Boston Corporation,* Boston, Massachusetts; to engage through the following national bank subsidiaries in the taking of deposits; the making and servicing of consumer loans; engaging in trust company functions; and acting as an investment or financial advisor: Bank of Boston—Jacksonville, N.A., Jacksonville, Florida; Bank of Boston—Maryland, N.A., Chevy Chase, Maryland; Bank of Boston—New York, N.A., New York, New York; Bank of Boston—North Carolina, N.A., Greensboro, North Carolina; Old Colony Trust Company of South Carolina, N.A., Hilton Island, South Carolina; Bank of Boston—Virginia, N.A., Vienna, Virginia; Bank of Boston—Tampa, N.A., Tampa, Florida; Bank of Boston Trust Company of Southwest Florida, N.A., Sarasota, Florida; Bank of Boston—Texas, N.A., Houston, Texas; Bank of Boston—Tennessee, N.A., Nashville, Tennessee; Bank of Boston—St. Petersburg, N.A., St. Petersburg, Florida; Bank of Boston—Orlando, N.A., Orlando, Florida; Bank of Boston—Alabama, N.A., Birmingham, Alabama; Bank of Boston—Ft. Lauderdale, N.A., Ft. Lauderdale, Florida; Bank of Boston—Georgia, N.A., Atlanta, Georgia; and Bank of Boston Trust Company of Southeast Florida, N.A., Deerfield Beach, Florida. These activities will be performed statewide by each subsidiary.

Board of Governors of the Federal Reserve System, May 3, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-12448 Filed 5-8-84; 8:45 am]

BILLING CODE 6210-01-M

Equitable Bancorporation; Application to Engage de novo in Nonbanking Activities

The Company listed in this notice has filed an application under § 225.23(a)(3) 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 engage *de novo* through a national bank subsidiary in deposit-taking, including the taking of demand deposits, and other activities specified below. The proposed subsidiary will not engage in commercial lending transactions as defined in Regulation Y. The Board has determined by order that such activities are closely related to banking. *U.S. Trust Company* (Press Release of March 23, 1984). Although the Board is publishing notice of this application, under established Board policy the record of the application will not be regarded as complete and the Board will not act on the application unless and until a preliminary charter for the proposed national bank subsidiary has been submitted to the Board.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Federal Reserve Bank or the offices of the Board of Governors not later than May 30, 1984.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Equitable Bancorporation,* Baltimore, Maryland; engage through a national bank subsidiary, Equitable Bank of D.C., N.A., Washington, D.C., in deposit-taking, consumer and mortgage lending (1–4 family dwellings only) and other banking services, in Washington, D.C. and the surrounding area.

Board of Governors of the Federal Reserve System, May 3, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-12449 Filed 5-8-84; 8:45 am]

BILLING CODE 6210-01-M

First Continental Bancshares, Inc., et al.; Applications to Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (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 commence or to engage *de novo*, either directly or through a subsidiary, in as 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 reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 29, 1984.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Continental Bancshares, Inc.,* Gretna, Louisiana; to engage, through its partially-owned subsidiary Liberty Heritage Life Insurance Company, Shreveport, Louisiana, in the sale of life, accident and health, and disability insurance directly related to its extensions of credit in the State of Louisiana.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Stanley Bancorporation, Inc.,* Stanley, Wisconsin; to engage *de novo* through its subsidiary, Stanley Insurance Agency, Inc., Stanley, Wisconsin, in general insurance agency activities in a community with a population not exceeding 5,000. The area to be served will be the town of Stanley, Wisconsin and the surrounding rural area.

Board of Governors of the Federal Reserve System, May 3, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-12450 Filed 5-8-84; 8:45 am]

BILLING CODE 6210-01-M

Harvest Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (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 summerizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 31, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Harvest Bancorp, Inc.*, Hamilton, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers & Merchants National Bank of Hamilton, Hamilton, Virginia.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Jamestown Union Bancshares, Inc.*, Jamestown, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Union Bank, Jamestown, Tennessee.

2. *Rossville Bankshares, Inc.*, Rossville, Georgia; to become a bank holding company by acquiring 84.6 percent of the voting shares of Rossville Bank, Rossville, Georgia.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Commercial Landmark Corporation*, Muskogee, Oklahoma; to acquire 100 percent of the voting shares or assets of The First Tahlequah Corp., Tahlequah, Oklahoma, and thereby indirectly acquiring First National Bank of Tahlequah, Tahlequah, Oklahoma.

2. *Gallup Bancshares, Inc.*, Gallup, New Mexico; to become a bank holding company by acquiring 100 percent of the voting shares of First Interstate Bank of Gallup, Gallup, New Mexico.

Board of Governors of the Federal Reserve Board, May 3, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-12451 Filed 5-8-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Administrator Advisory Board; Meeting Amendment

Notice published recently in the **Federal Register** regarding the May 15, 1984 meeting of the General Services Administration (GSA) Advisory Board is hereby amended to incude the following information:

1. The meeting shall take place from 9:30 a.m. to 4:30 p.m.

2. The agenda shall include a discussion of an Advisory Board task force report relative to the disposition of the Chet Hollifield Federal Building.

Questions regarding this meeting should be directed to Mr. James Dean on (202) 566-0382.

Dated: May 7, 1984.

Thomas J. Simon,

Director, Office of Program Initiatives.

[FR Doc. 84-12809 Filed 5-8-84; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Childhood Lead Poisoning Prevention Advisory Committee; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following Committee meeting:

Name: Childhood Lead Poisoning Prevention Advisory Committee.

Dates: May 17-18, 1984.

Place: Auditorium B, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact person: Vernon N. Houk, M.D., Director, Center for Environmental Health, Centers for Disease Control (CHAM 29), Atlanta, Georgia 30333, PHONE: FTS: 236-4111, Commercial: 404/452-4111.

Purpose: The Committee shall provide advice and make recommendations to the Secretary, the Assistant Secretary for Health, and the Director, Centers for Disease Control, and his staff, on revisions to the policy statement dated April 1978, "Preventing Lead Poisoning in Young Children." The revised policy statement shall reflect new research findings since 1978.

The meeting is open to the public for observation and participation, limited only by the space available. Viewpoints and suggestions from any interested parties are invited. Anyone wishing to participate in the meeting must submit a written request to be received by Dr. Vernon N. Houk at the address above by May 16 or delivered to Dr. Houk before 10:00 a.m. at the meeting on May 17. Written requests should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Time will be provided by the Chairperson contingent upon the number who wish to participate. If time does not permit presentation, written comments may be submitted for the record no later than May 25, 1984.

The requirement for 15 days advance meeting notice was not met, because May 17-18 were the only dates within a 3-month period in which all or a quorum of appointed committee members could attend.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 84-12734 Filed 5-8-84; 11:57 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 77F-0312]

Nalco Chemical Co.; Withdrawal of Petition for Food Additive

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal without prejudice of the petition (FAP 6A3219) proposing that the food additive regulations be amended to

provide for the use of hexamethylenediaminetetra (methylene phosphonic acid) and its salts for use as a boiler water additive in the preparation of steam that will contact food.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Center for Food Safety and Applied Nutrition (formerly Bureau of Foods) (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), Nalco Chemical Co., 2901 Butterfield Rd., Oak Brook, IL 60521, has withdrawn its petition (FAP 6A3219), notice of which was published in the **Federal Register** of November 15, 1977 (42 FR 59118), proposing that the food additive regulations be amended to provide for the use of hexamethylenediaminetetra (methylene phosphonic acid) and its salts for use as a boiler water additive in the preparation of steam that will contact food.

Dated: April 23, 1984.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84-12421 Filed 5-8-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Grazing Advisory Board Meeting

AGENCY: Susanville District Grazing Advisory Board, Susanville, California 96130, Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94-579 (FLPMA), that a meeting of the Susanville District Grazing Adivisory Board will be held on June 12, 1984.

The meeting will begin at 10:00 a.m. at Cal Pines Lodge located about 10 miles west of Alturas, California, on the Centerville Road.

The agenda will include a discussion of the allocation of FY85 project dollars, Cooperative Management Agreements, wild horse program, water rights, California Advisory Board Chairperson's meeting, Wilderness Studies, 1984 Board Tour, predator control, possible wild horse tour, private contributions, rancher project maintenance agreement progress and other items as appropriate.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 p.m. and 4:30 p.m. on June 12, 1984 or file a written statement for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1090, Susanville, California 96130, by June 6, 1984. Depending upon the number of persons wishing to make oral statements, a per person list may be established.

Summary minutes of the board meeting will be maintained in the District Office, and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Ben Collins,

Associate District Manager.

[FR Doc. 84-12438 Filed 5-8-84; 8:45 am]

BILLING CODE 4310-40-M

[C-28260]

Colorado; Proposed Continuation of Withdrawal

April 16, 1984.

Correction

In **Federal Register** of Wednesday, April 4, 1984, on page 13433, column 2, correct land description to read:

New Mexico Principal Meridian

T. 42 N., R. 10 E.,
Sec. 18, lot 2, and SE¼NW¼

Richard E. Richards,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-12445 Filed 5-8-84; 8:45 am]

BILLING CODE 4310-JB-M

[C-28253]

Colorado; Proposed Continuation; Florida Reclamation Project

April 30, 1984.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that 115 acres of the withdrawal made for the Florida Project be continued for 20 years. The lands will remain closed to surface entry and mining but will continue to be open to mineral leasing.

DATE: Comments should be received within 90 days of publication date.

ADDRESS: Comments should be sent to State Director, Colorado State Office, 1037 20th Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-837-2592.

The Bureau of Reclamation proposes that portions of the existing land withdrawal made by Secretarial Order of May 16, 1942, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The following described lands are proposed for continuation:

New Mexico Principal Meridian

T. 36 N., R. 7 W.,
Sec. 7, E½NE¼NE¼NE¼;
Sec. 8, W½SW¼NE¼;
Sec. 17, E½NW¼NW½, and N½NE¼ SW¼NW¼;
Sec. 20, NW¼NE¼, N½N½SW¼NE¼, E½E½NW¼NW¼, and NE¼NE¼ SW¼NW¼.
T. 37 N., R. 7 W.,
Sec. 31, SW¼SW¼NE¼SE¼.

The area described aggregates approximately 115 acres. This public land was transferred to the Secretary of Agriculture by the Acting Commissioner of Reclamation on April 21, 1967, by FR Doc. 67-5130. The Forest Service administers these lands.

The purpose of the withdrawal is to protect the irrigation and recreation facilities of the Florida Project is southwestern Colorado. No change is proposed in the purpose or segregative effect of the withdrawal. The land will continue to be withdrawn from surface entry and mining but not from mineral leasing.

All persons who wish to submit comments, suggestions, or objections in connection with this continuation may present their views in writing to the State Director, within 90 days of publication date of this notice.

Notice is hereby given that a public hearing may be afforded in connection with the proposed continuation. All interested persons who desire to be heard on this proposal must submit a written request for hearing to the State Director within 90 days of publication of this notice. If the State Director determines that a public hearing should be held, a notice of the time and place will be published in the **Federal Register** at least 30 days prior to the date of the scheduled hearing.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A

report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: April 30, 1984.

Richard E. Richards,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-12444 Filed 5-8-84; 8:45 am]

BILLING CODE 4310-JB-M

Monument Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Draft Resource Management Plan and Environmental Impact Statement.

Notice of Proposed Wilderness Suitability Recommendations and associated public hearings.

Notice of Proposed Area of Critical Environmental Concern (ACEC) designations.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and 43 CFR 1600, the Bureau of Land Management has prepared a draft Resource Management Plan and associated Environmental Impact Statement, known as the Monument RMP/EIS, covering some 1,179,000 acres in southcentral Idaho. Including in the draft plan are suitability recommendations for six wilderness study areas and recommendations concerning four tracts being considered for Area of Critical Environmental Concern (ACEC) designation. This notice therefore is also issued pursuant to section 3(d) 1A and B of the Wilderness Act of 1964 and § 1610.7-2(b) of the BLM Planning Regulations.

The Shoshone District invites members of the public, other Federal agencies, State and local governments, and Indian tribes to review and submit comments on the draft Monument RMP/EIS. All comments received during the comment period will be considered in preparation of the final RMP/EIS.

DATED AND ADDRESSES: The public comment period will continue to August 9, 1984. Written comments may be submitted any time during the comment period to the Shoshone District.

A public hearing has been scheduled to receive testimony on the wilderness suitability recommendations in the draft RMP/EIS. This hearing is required for the wilderness recommendations, but testimony on the adequacy of the draft RMP/EIS is encouraged. Those wishing to testify at the hearing should contact the Shoshone District to pre-register. Participants may also register to speak at the registration desk at the hearing. Speakers will be called in the order that registration are received. The hearing will be held June 20, 1984 at 7:30 p.m. MDT at the Lincoln Elementary School, 210 West 4th, Shoshone, Idaho.

Written comments and requests for public hearing pre-registration should be sent to the Bureau of Land Management, Shoshone District, P.O. Box 2B, Shoshone, Idaho 83352. Copies of the Monument RMP/EIS may be obtained from the Shoshone District.

FOR FURTHER INFORMATION CONTACT: Ervin Cowley, Project Manager, Bureau of Land Management, P.O. Box 2B, Shoshone, Idaho 83352. Telephone (208) 886-2206.

SUPPLEMENTARY INFORMATION: The Monument RMP/EIS analyzes four alternative plans, and one sub-alternative, for managing natural resources in Monument Planning Area over the next 15 to 20 years. One alternative has been identified as BLM's Preferred Alternative.

The alternative plans presented in the Monument RMP/EIS are designed to resolve the planning issues identified earlier through public involvement. The general topics covered by the planning issues are retention or disposal of public lands, wilderness designation, livestock grazing, range improvements, fire management, soil erosion, wildlife habitat management, minerals, off-road vehicles, recreation, cultural and historic values, and lands for local and State government and other needs. The alternative plans include different resource use levels and constraints to address the planning issues. One alternative is a "No Action" alternative, designed to represent a continuation of present resource use levels or systems.

The Monument RMP/EIS includes suitability recommendations for six wilderness study areas (WSAs) covering a total of 154,015 acres of public land. The WSAs are located in Blaine, Lincoln, and Minidoka counties, Idaho. The alternatives cover the range from all WSAs recommended nonsuitable for designation to all WSAs recommended suitable for designation. The Preferred Alternative proposes to recommend to the Secretary of the Interior that 87,902 acres of public land in two WSAs are suitable for wilderness designation and 66,113 acres are nonsuitable for wilderness designation.

The Monument RMP considers four tracts for designation as areas of critical environmental concern (ACECs). The alternatives cover the range from all potential ACECs proposed for designation to none of the potential ACESs proposed for designation. Following the preparation of the final Monument RMP/EIS, approval of the RMP will constitute formal designation of any proposed ACECs.

The Vineyard Creek Natural Area, containing 105 acres of public land, would be designated an ACEC under the Preferred Alternative. If formally designated an ACEC, BLM would coordinate with adjacent private landowners to reduce sedimentation from irrigation return flow which currently threatens the only known spawning habitat for a unique cutthroat/rainbow hybrid trout. Resource uses and proposals would be closely examined to ensure that the hybrid trout spawning habitat, possible habitat for a candidate endangered snail, and scenic quality and naturalness of the area would not be adversely affected or that adverse effects could be mitigated. Surface occupancy associated with mineral lease development would not be allowed. The area would be given priority for fire suppression.

The Box Canyon/Blueheart Springs Sensitive Area, containing 128 acres of public land, would be designated an ACEC under the Preferred Alternative. If formally designated an ACEC, resource uses and proposals would be closely examined to ensure that habitat for the sensitive Shoshone sculpin, possible habitat for a candidate endangered snail species, and scenic quality and naturalness of the area would not be adversely affected or that adverse effects could be mitigated. Surface occupancy associated with mineral lease development would not be allowed. The area would be given priority for fire suppression.

The Substation Tract Relict Vegetation Area, containing 440 acres of public land, would be designated an ACEC under the Preferred Alternative. If formally designated an ACEC, the area would be given priority for fire suppression to protect a good condition relict vegetation community that is highly valuable for research and reference. Other opportunities to reduce the risk of loss to fire would be pursued. ORV use would be limited to designated roads and trails. Surface occupany associated with mineral lease development would not be allowed.

The Silver Sage Playa Relict Vegetation Area, containing 10 acres of public land, would not be designated an

ACEC under the Preferred Alternative, but would be designated under another alternative. If formally designated an ACEC, the area would be given priority for fire suppression to protect a fair condition relict vegetation community that could be valuable for research and reference. The area would be closed to ORV use. Surface occupany associated with mineral lease development would not be allowed

Charles J. Haszier,

District Manager.

[FR Doc. 84-12442 Filed 5-8-84; 8:45 am]

BILLING CODE 4310-GG-M

[W-80965, W-80966]

Wyoming; Proposed Continuation of Withdrawal

Correction

In FR Doc. 84-11370, beginning on page 18187 in the issue of Friday, April 27, 1984, make the following corrections:

1. On page 18187, third column, the twenty-second line from the bottom of the page, "SW¼NW¼NW¼ * * *" should have read "SW¼NW¼, NW¼ * * *".

2. In the same column, sixteenth line from the bottom of the page, a comma should have appeared at the end of the line. As corrected the line should have read:

"Sec. 23, lots 1, 2, 5, 6, NW¼NE¼, NW¼,".

3. On page 18188, first column, the twenty-ninth line from the bottom of the page should have read:

"Sec. 32, E½, E½W½, SW¼NW¼, and".

BILLING CODE 1505-01-M

Moab District Advisory Council; Meeting

AGENCY: Utah, Bureau of Land Management, Interior.

ACTION: Moab District Advisory Council, Meeting.

SUMMARY: The Council will meet at 9:00 a.m. June 7, 1984, at the Moab District Office, 82 E. Dogwood, Moab, Utah.

SUPPLEMENTARY INFORMATION: The Council comprises of ten members appointed by the Secretary of Interior to provide representative citizen advice to the Moab District Manager on planning and management of public lands and natural resources. The agenda for the meeting includes introductions, orientation of members to the Council and the Bureau, discussion of problems and issues, election of chairperson and vice chairperson, and public statements. The meeting is open to the public and opportunity for anyone to present statements before the Council will be provided at 2:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mary Plumb, Public Affairs Officer, Bureau of Land Management, Moab, District, 82 E. Dogwood, P.O. Box 970, Moab, Utah 84532; telephone (801) 259-6111.

Dated: May 1, 1984.

Kenneth V. Rhea,

Acting District Manager.

[FR Doc. 84-12468 Filed 5-8-84; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Filing of Plats of Survey

May 2, 1984.

The plats of survey of the following described lands were officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., May 2, 1984.

In plat, in two sheets, representing the dependent resurvey of the Ninth Guide Meridian West (east boundary), west boundary, portions of the south boundary and subdivisional lines, and the survey of the subdivision of certain sections, T. 4 S., R. 73 W., Sixth Principal Meridian, Colorado, Group No. 690, was accepted April 23, 1984.

This survey was executed to meet certain administrative needs of the U.S. Forest Service and this Bureau.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the survey of the subdivision of section 9, T. 5 S., R. 89 W., Sixth Principal Meridian, Colorado, Group No. 746, was accepted April 24, 1984.

The plat representing the dependent resurvey of a portion of the north boundary and subdivisional lines, and the survey of the subdivision section 5, T. 5 S., R. 91 W., Sixth Principal Meridian, Colorado, Group No. 746, was accepted April 23, 1984.

The plat representing the dependent resurvey of a portion of the south and east boundaries, subdivisional lines, and boundaries of H.E. No. 2021, C.E. NO. 98, and School Section 36, in T. 8 N., R. 98 W., Sixth Principal Meridian, Colorado, Group No. 739, was accepted April 24, 1984.

These surveys were executed to meet certain administrative needs of this Bureau.

All inquiries about these lands should be sent to the Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Timothy A. Kent,

Acting Chief Cadastral Surveyor for Colorado.

[FR Doc. 84-12458 Filed 5-8-84; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Filing of Plat of Survey

May 2, 1984.

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10 a.m on May 1, 1984.

New Mexico Principal Meridian

The dependent resurvey of a portion of the third standard parallel north identical with a portion of the north boundary of the Zuni Indian Reservation, Township 13 North, Range 16 West, New Mexico Principal Meridian, under Group 729 and accepted April 11, 1984.

The dependent resurvey of a portion of the north boundary of the Zuni Indian Reservation, identical with a portion of the third standard parallel north and the west boundary of Township 12 North, Range 17 West, New Mexico Principal Meridian, under Group 729 and accepted April 11, 1984.The dependent resurvey of a portion of the north boundary, a portion of the subdivisional lines and the subdivision of section 12, Township 7 North, Range 20 West, New Mexico Principal Meridian, under Group 729 and accepted April 11, 1984.

These surveys were requested by the Bureau of Indian Affairs, Albuquerque, New Mexico.

These plats will be placed in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of these plats may be obtained from that office upon payment of $2.50 per sheet.

Ronald G. Williams,

Acting Chief, Branch of Cadastral Survey.

[FR Doc. 84-12459 Filed 5-8-84; 8:45 am]

BILLING CODE 4310-FB-M

New Mexico; Filing of Plat of Survey

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10 a.m. on May 1, 1984.

New Mexico Principal Meridian

The dependent resurvey of the east boundary of the Navajo Indian Reservation through T. 21 N., Rs. 13 and

14 W., the Fifth Standard Parallel North on the side boundary of T. 21 N., R. 14 W., and the survey of the north and west boundaries and the subdivisional lines of T. 21 N., R. 14 W., NMPM, under Group 812, accepted April 13, 1984.

This survey was requested by the Bureau of Indian Affairs, Albuquerque, New Mexico.

The plat will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

Ronald G. Williams,

Acting Chief, Branch of Cadastral Survey.

[FR Doc. 84-12460 Filed 5-8-84; 8:45 am]

BILLING CODE 4310-FB-M

[M 066181]

Madison River, Montana; Inquiry

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes that three Recreation sites on the Madison River be continued for an additional 20 years. The lands involved, totaling 150.16 acres, would remain closed to surface entry and mining but have been and would remain open to mineral leasing.

DATE: Comments or requests for a public meeting should be received within 90 days of the date of publication of this notice.

ADDRESS: Comments or meeting requests should be sent to: Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 36800 Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: James Binando, Montana State Office, 406-657-6090.

The Bureau of Land Management proposes that the existing land withdrawal on the Madison River, be continued for a period of 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The lands are located along the Madison River and are described as follows:

Montana Meridian

T. 9 S., R. 1 W.,
Sec. 12, lots 3 and 7;
T. 10 S., R. 1 W.,
Sec. 1, lot 1;
T. 10 S., R. 1 E.,
Sec. 6, lot 7.

The withdrawn lands contain 150.16 acres in Madison County.

The purpose of the withdrawal is to protect the three developed recreation sites. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Land Resources, in the Montana State Office.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal continuation. All interested persons who desire a public meeting for the purpose of being heard must submit a written request to the Chief, Branch of Land Resources, within 90 days from the date of publication of this notice. If the authorized office determines that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resource. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: April 30, 1984.

James Binando,

Chief, Branch of Land Resources.

[FR Doc. 84-12461 Filed 5-8-84; 8:45 am]

BILLING CODE 4310-DN-M

Fish and Wildlife Service

Endangered Species Permit; 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: Jacksonville Zoological Park, Jacksonville, FL—APP# 583946

The applicant requests a permit to purchase in interstate commerce one captive-born female Hawaiian goose [*Neochen* (= *Branta*) *Sandvicensis*] from Cline's Waterfowl, Temperance, MI for enhancement of propagation.

Applicant: David E. Nix, Escondido, CA—APP # 153084

The applicant requests a permit to purchase in interstate commerce two captive-born gray wolves (*Canis lupus*) from either Bear Country USA, Rapid City, SD or Olympic Game Farm, Sequim, WA for enhancement of survival.

Applicant: Los Angeles Zoo, Los Angeles, CA—APP # 5120AB

The applicant requests a permit to import a female Jentink's duiker (*Cephalophus jentinki*) from Mrs. Pamela Pervola, Yekepa, Liberia for enhancement of propagation.

Applicant: Tom Mantzel, Ft. Worth, TX—APP # 59840

The applicant requests a permit to import four male and eight female captive-born cheetahs (*Acinonyx jubatus*) from Scoop Pienaar, Krugersdarf, South Africa, for enhancement of propagation and survival.

Applicant: Charles Puff, St. Louis, MO—PRT 2-9817

The applicant requests a permit to import one trophy of a bontebok (*Damaliscus dorcas dorcas*) from the captive herd of Cornelius Retief, Harrismith, South Africa, for enhancement of propagation and survival of the herd.

Applicant: USFWS/Great Basin Complex, Reno, NV—APP # 0788AB

The applicant requests a permit to take Moapa dace (*Moapa coriacea*) for scientific research and enhancement of survival.

Applicant: Dr. Patrick T. Redig, University of Minn., St. Paul, MN—APP # 0674AB

The applicant requests a permit to import up to 30 captive-born peregrine falcons (*Falco peregrinus anatum*) from Canada for the purpose of reintroduction to the wild in Minnesota for the purpose of enhancement of survival and scientific research.

Applicant: Zoological Society of San Diego, San Diego, CA—APP # 559675

The applicant requests a permit to import two male and one female captive-born Chinese gorals (*Neomorhaedus goral*) from the Japanese Serow Center, Mie-Ken, Japan, for enhancement of propagation.

Applicant: Zoological Society of San Diego, San Diego, CA—APP # 560371

The applicant requests a permit to reexport one female Asian elephant (*Elephas maximus*) legally imported

under PRT 2–560, to Calgary Zoo, Alberta, for enhancement of propagation.

Applicant: Zoological Society of San Diego, San Diego, CA—APP # 559681

The applicant requests a permit to import one female captive-born cheetah (*Acinonyx jubatus*) from the Pretoria Zoo, South Africa, for enhancement of propagation.

Applicant: San Francisco Bay NWR, Newark, CA—APP # 5651AB

The applicant requests a permit to remove and reduce to possession seeds of Antioch Dunes evening primrose (*Oenothera deltoides howellii*) and Contra Costa wallflower (*Erysimum capitatum anguatatum*) for enhancement of propagation and survival.

Applicant: Atlanta Zoological Park, Atlanta, GA—APP # 0671AB

The applicant requests a permit to export 8 captive-born Morelet's crocodiles (*Crocodylus moreletii*) to the Atagawa Tropical Garden and Alligator Farm, Shizuoka, Japan, for enhancement of propagation.

Applicant: Leonard A. Freed, University of Hawaii at Manoa, Honolulu, HI—APP # 0747AB

The applicant requests a permit to take (capture, band and release) specimens of the Hawaii akepa (*Lozops c. coccinea*) for enhancement of propagation and survival.

Applicant: International Animal Exchange, Fernadle, MI—APP # 152432

The applicant requests a permit to import a pair of captive-born mandrills (*Papio sphinx*) from Metro Toronto Zoo, Canada for enhancement of propagation.

Applicant: National Zoological Park, Washington, DC—APP # 6133AB

The applicant requests a permit to import one (1) female Asian elephant (*Elephas maximus*) from National Zoo, Dehiwela, Sri Lanka for enhancement of propagation.

Documments 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 applicattions 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: May 4, 1984.

Larry LaRochelle,

Acting Chief, Branch of Permits Federal Wildlife Permit Office.

[FR Doc. 84–12481 Filed 5–8–84; 8:45 am]

BILLING CODE 4310–55–M

Oil and Gas Exploration Plans (Surface Field Studies), Arctic National Wildlife Refuge; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public hearings; correction.

SUMMARY: This document corrects the dates of three public hearings that will be held to receive comments on the oil and gas exploration plans for Arctic National Wildlife Refuge that appeared at page 16852 in the **Federal Register** on Friday, April 20, 1984 [49 FR 16852].

FOR FURTHER INFORMATION CONTACT: Ted Heuer, Oil, gas and minerals coordinator, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, AK 99503, 907–786–3384.

Dates and locations for the public hearings are as follows:

Tuesday, May 15, 1984, Kaktovik, Alaska. Location: City Council Meeting Hall. Time: 8:00 p.m.

Wednesday, May 16, 1984, Fairbanks, Alaska. Location: Federal Building and Courthouse, Room 236, 101 12th Avenue. Time: 7:30 p.m.

Thursday, May 17, 1984, Anchorage, Alaska. Location: Regional Office, U.S. Fish and Wildlife Service, Room 1110, 1011 E. Tudor Road. Time: 7:00 p.m.

Dated: May 3, 1984.

Robert E. Putz,

Alaska Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 84–12457 Filed 5–8–84; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Outer Continental Shelf Advisory Board North Atlantic Regional Technical Working Group; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463).

Name: North Atlantic Regional Technical Working Group.

Date: June 5, 1984.

Place: Biltmore Hotel, Grand Ballroom, Kennedy Plaza, Providence, Rhode Island.

Time: 9:00 a.m. to 5:30 p.m.

Committee membership consists of representatives from Federal Agencies, the Coastal States of Maine through New Jersey, the petroleum industry, and other private interests. The purpose of the meeting is to advise the Director, Minerals Management Service (MMS), on technical matters of Regional concern regarding prelease and postlease sale activities.

Agenda: Opening Remarks; January 1984 OCS Policy Board Meeting Report; OCS Lease Sale No. 82; OCS Lease Sale No. 96; Fiscal Year 1986 Environmental Studies Plan; the Guyed Tower—A Unique Deepwater Production Platform; National Research Council Report—"Drilling Discharges in the Marine Environment; State Coastal Zone Management Programs; Georges Bank Biological Task Force Update; Update on National Pollutants Discharge Elimination System Procedures; MMS Geohazards Policy and Data Acquisition; Regional Technical Working Group Minutes; Public Comment; Discussion of Next Meeting; Action Items.

This meeting will be open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Committee regarding items on the agenda should contact Bruce Weetman of the Atlantic OCS Office (703) 285–2165 by May 29, 1984. Written statements should be submitted by June 12 to the Atlantic OCS Region, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180.

Minutes of the meeting will be available for public inspection and copying by September 5, 1984, at the above address.

Bruce G. Weetman,

Acting Regional Manager, Atlantic OCS Region.

[FR Doc. 84–12446 Filed 5–8–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a DOCD describing the activities it proposes to conduct on Leases OCS–G 4473, 4893, and 5674, Blocks 27, 28, and 48, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of

hydrocarbons with support activities to be conducted from and onshore base located at Fourchon, Louisiana.

DATE: The subject DOCD was deemed submitted on April 27, 1984.

Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf or Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Matairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section. *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. Warren Williamson, Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838-0874.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resource is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 27, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-12469 Filed 5-8-84; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf Certification Verification Agents; Cessation of Application Acceptance

AGENCY: Mineral Management Service, Interior.

ACTION: Notification of cessation of temporary ban on acceptance of applications for Certified Verification Agents.

SUMMARY: This Notice removes the previously imposed ban on the acceptance of applications for Certified Verification Agents (CVAs). The removal of this ban is due to complaints which had been received from firms seeking first time certifications as well as firms which had not applied for recertifications within the specified time period. These firms had complained that their exclusion from the Minerals Management Service (MMS) list of precertified CVAs placed them at a competitive disadvantage when they sought to obtain CVA service contracts from prospective lessees. The MMS has therefore determined that applications for certification of CVAs as outlined in the Operating Procedures for the OCS Platform Verification Program will again be accepted. Acceptance of such applications will ensure that previously excluded prospective CVAs will now have an equal opportunity to contract for CVA-related services to lessees.

EFFECTIVE DATE: May 9, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. John Gregory, Mineral Management Service, MS 647, Reston, Virginia 22091, telephone (703) 860-7865.

SUPPLEMENTARY INFORMATION: Outer Continental Shelf (OCS) Order No. 8 requires the use of an approved CVA in the design, fabrication, and installation of all new fixed or bottom-founded platforms or other structures on OCS leases subject to the Platform Verification Program. The receipt of applications from prospective CVA firms and individuals began in January 1980. However, after 2 years of operation, it became apparent to MMS that the services of only a small percentage of the numerous approved CVAs were being contracted for by lessees proposing new platforms. Due to this low utilization rate and the large number of already approved CVAs on file with the MMS at that time, MMS determined to temporarily ban acceptance of new CVA applications from prospective CVAs effective after February 1, 1982, except for Arctic OCS applications which were unaffected by this ban. Reapplications from CVAs within the specified time period of 90 days prior to their certification expiration were unaffected. A Notice to this effect was published in the **Federal Register**, December 7, 1981 (46 FR 59643).

Dated: April 30, 1984.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 84-12437 Filed 5-8-84; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-189 (Preliminary)]

Calcium Hypochlorite From Japan; Import Investigation

AGENCY: International Trade Commission.

ACTION: Institution of preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

EFFECTIVE DATE: April 25, 1984.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-189 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reasons of imports from Japan of calcium hypochlorite provided for in TSUS item 418.22, which are alleged to be sold in the United States at less than fair value.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Vastagh, Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202-523-0283.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on April 25, 1984, by Olin Corp. of Stamford, Conn., the principal producer of the subject product in the United States. The

Commission must make its determination in this investigation within 45 days after the date of the filing of the petition, or by June 11, 1984 (19 CFR 207.17).

Participation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and procedure (19 CFR 201.11), not later than seven (7) 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.

Service of Documents

The Secretary will compile a service list from the entries of appearance filed in this investigation. Any party submitting a document in connection with the investigation shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written Submissions

Any person may submit to the Commission on or before May 24, 1984, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15). A signed original and fourteen (14) copies of such statement must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m. on May 18, 1984, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Parties wishing to participate in the conference should contact Stephen Vastagh (202–523–0283), not later than May 16, 1984, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public Inspection

A copy of the petition and all written submissions, except for confidential business data, will be available for public inspection during regular 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.

For further information concerning the conduct of this investigation and rules for general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and B (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to section 207.12 of the Commission's rules (19 CFR 207.12).

Issued: May 4, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–12486 Filed 5–8–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–184; Order No. 5]

Certain Foam Earplugs; Import Investigation

For reasons of judicial economy, administrative necessity, and pursuant to my authority as Chief Administrative Law Judge, I hereby relieve Administrative Law Judge Donald K. Duvall and designate Administrative Law Judge Paul J. Luckern 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: May 1, 1984.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 84–12493 Filed 5–8–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–171]

Certain Glass Tempering Systems; Import Investigation

Notice is hereby given that the prehearing conference in this matter will commence at 9:00 a.m. on June 4, 1984, in Room 6315 at the Interstate Commerce Commission Building at 12th and Constitution Avenue NW., Washington, D.C., and the hearing will commence immediately thereafter.

The Secretary shall publish this notice in the **Federal Register**.

Issued: May 2, 1984.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 84–12487 Filed 5–8–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–175; Order No. 6]

Certain Metal and Wire Shelf Products and Accessories; Import Investigation

For reasons of judicial economy, administrative necessity, and pursuant to my authority as Chief Administrative Law Judge, I hereby relieve Administrative Law Judge Donald K. Duvall and designate Administrative Law Judge Paul J. Luckern 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: April 30, 1984.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 84–12489 Filed 5–8–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–164]

Certain Modular Structural Systems; Commission Order To Extend Time for Determining Whether To Review Initial Determination and To Show Cause Why Investigation Should Not Be Terminated as Moot

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that on April 30, 1984, the Commission extended the time for determining whether to review the presiding officer's initial determination in the above-captioned investigation unitl June 4, 1984. The Commission also ordered the complainant to show cause why the investigation should not be terminated as moot. The Commission ordered that complainant's showing be made by

written submission to be filed with the Office of the Secretary by May 14, 1984, and that the Commission investigative attorney may file a response by May 21, 1984. Because of their failure to answer or otherwise participate in this investigation, the Commission ordered that no response by any respondent will be accepted, except for good cause shown.

Authority: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in sections 210.53–.56 of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982 and 48 FR 9242, March 4, 1983; codified at 19 CFR 210.53–.56).

SUPPLEMENTARY INFORMATION: On March 29, 1984, the presiding officer issued an initial determination, based on complainant's motion for summary determination, that there is a violation of section 337 in the importation and sale of certain modular structural systems. The record suggests, however, that this investigation has become moot as a result of a judgment of the Federal Court of Canada, issued January 10, 1984.

Notice of this investigation was published in the **Federal Register** of September 15, 1983 (48 FR 41531).

Copies of the Commission's Action and Order, the presiding officer's initial determination, 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 W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0480.

Issued: May 1, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–12490 Filed 5–8–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–167]

Certain Single Handle Faucets; Receipt of Initial Determination Terminating Respondents on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a consent order agreement: Charles Laurel Co., Inc., Laurel International (collectively, Laurel), Globe-Union Industrial Corporation (Globe-Union), and Yi Fong Hygienic Fixture Co., Ltd. (Yi Fong).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on May 3, 1984.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The orginal and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

Issued: May 3, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–12488 Filed 5–8–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–173]

Certain Valves; Hearing

Notice is hereby given that the prehearing conference in this matter will commence at 9:00 a.m. on June 18, 1984, in Room 6315 at the Interstate Commerce Commission Building at 12th & Constitution Avenue, NW., Washington, D.C., and the hearing will commence immediately thereafter.

The Secretary shall publish this notice in the **Federal Register.**

Issued: May 2, 1984.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 84–12492 Filed 5–8–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–131, 132, and 138 (Final)]

Certain Welded Carbon Steel Pipes and Tubes From the Republic of Korea and Taiwan

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines,[2] pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(1)), that an industry in the United States is materially injured by reason of imports from the Republic of Korea (Korea) [3] and Taiwan of certain small diameter circular welded carbon steel pipes and tubes,[4] which have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

The Commission further determines [5] that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry is not materially retarded, by reason of imports from Korea of welded carbon steel pipes and tubes of heavy-walled rectangular (including square) cross section, provided for in TSUSA item

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioners Rohr and Liebeler not participating.

[3] Commissioner Stern dissenting.

[4] For purposes of these investigations, the term "certain small diameter circular welded carbon steel pipes and tubes" covers welded carbon steel pipes and tubes, of circular cross section, with walls not thinner than 0.065 inch, 0.375 inch or more but not over 4.5 inches in outside diameter, provided for in items 610.3231, 610.3232, 610.3241, and 610.3244 of the Tariff Schedules of the United States Annotated (1984) (TSUSA).

[5] Commissioners Rohr and Liebeler not participating.

610.3955, which have been found by Commerce to be sold at LTFV.

The Commission further determines [6] that an industry in the United States is materially injured by reason of imports from Korea of welded carbon steel pipes and tubes of light-walled rectangular (including square) cross section, provided for in TSUSA item 610.4975, which have been found by Commerce to be sold at LTFV.

Background

The Commission instituted these investigations effective October 28, 1983, following preliminary determinations by Commerce that imports of certain welded carbon steel pipes and tubes from Korea and Taiwan are being, or are likely to be, sold in the United States at LTFV.

Notice of the institution of the Commission's investigations 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** of December 7, 1983 (48 FR 54908). The hearing was held in Washington, D.C., on March 27, 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 April 30, 1984. A public version of the Commission's report, *Certain Welded Carbon Steel Pipes and Tubes from the Republic of Korea and Taiwan* (investigations Nos. 731–TA–131, 132, and 138 (Final), USITC Publication 1519, 1984), contains the views of the Commission and information developed during the investigations.

By order of the Commission.

Issued: April 30, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–12491 Filed 5–8–84; 8:45 am]

BILLING CODE 7020 02–M

[Investigation No. 337–TA–145]

Certain Rotary Wheel Printers; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Ing. C. Olivetti & Co., S.p.A. (Olivetti).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on April 19, 1984.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: May 7, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–12704 Filed 5–8–84; 10:36 am]

BILLING CODE 7020–02–M

[6] Commissioner Stern dissenting and Commissioners Rohr and Liebeler not participating.

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30347 (Sub-1)]

Border Pacific Railroad Co.; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the Border Pacific Railroad Company from the provisions of 49 U.S.C. 10746 and 11301 in connection with (1) issuance of 79,000 shares of $1 par stock, and (2) transportation of certain commodities by shareholders who are shippers or potential shippers on the line.

DATES: This exemption shall be effective on May 9, 1984. Petitions to reopen must be filed by May 29, 1984.

ADDRESSES: Send pleadings refering to Finance Docket No. 30347 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Stephen A. Nauheim, 1708 New Hampshire Avenue NW., Washington, D.C. 20009.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTAL INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: May 2, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84–12539 Filed 5–8–84; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30432]

Yadkin Railroad Co.—Exemption—Rail Line Acquisition in Stanly County, N.C.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10901 the acquisition by Yadkin Railroad Company of a line of railroad extending from Halls Ferry Junction to Whitney, all in Stanly County, N.C.

DATES: This exemption will be effective on June 8, 1984. Petitions for reconsideration must be filed by May 29, 1984. Petitions for reconsideration must be filed by May 21, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30432 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423

(2) Petitioner's representative: Nancy S. Fleischman, 1050 Connecticut Avenue NW., Suite 740, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Decided: May 2, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84–12538 Filed 5–8–84; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging of Final Judgment on Consent Pursuant to Safe Drinking Water Act; Partney Mobile Home Park

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on April 18, 1984 a proposed Stipulation and Consent Decree in *United States* v. *Richard Partney and Marianne Partney, a married couple, d/b/a/ Partney Mobile Home Park, an unincorporated association,* Civil No. 83–1661–PA was lodged with the United States District Court for the District of Oregon. The proposed Stipulation and Consent Decree enforces the Safe Drinking Water Act and national interim primary drinking water regulations, by, *inter alia,* requiring defendant to comply with sampling, reporting, and public notice provisions of the regulations in the operation of its public water system. Specifically, the decree calls for monitoring for microbiological contaminants pursuant to 40 CFR 141.21 and for inorganic chemical contaminants pursuant to 40 CFR 141.23. The Decree also establishes a civil penalty of $1,500.00 for past violations.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States.* v. *Richard and Marianne Partney* D.J. Ref. 90–5–1–1–2067.

The proposed Decree may be examined at the office of the United States Attorney, District of Oregon, 312 United States Courthouse, 620 S.W. Main Street, Portland, Oregon 97205 and at the Region X Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. Copies of the Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy please enclose a check in the amount of $1.00 (10 cents per page reproduction costs) payable to the Treasurer of the United States.

F. Henry Habicht, II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84–12436 Filed 5–8–84; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Proposed Termination of Final Judgment

Owens-Corning Fiberglas Corporation, Owens-Illinois, Inc. (formerly Owens-Illinois Glass Company) and Corning Glass Works have filed with the United States District Court for the Northern District of Ohio, Western Division, a motion to terminate the Final Judgement in *United States* v. *Owens-Corning Fiberglas Corp.,* Civil Action No. 5778; and the Department of Justice ("Department"), in a stipulation also filed with the court, has consented to termination of the judgment, but has reserved the right to withdraw its consent for at least seventy (70) days after the publication of this notice. The Complaint in this case, filed in 1947 and amended in 1948, alleged that Owens-Illinois and Corning had combined to monopolize the glass fiber business by transfering to Owens-Corning Fiberglas Corporation their glass fiber technology and businesses and by entering into, through Owens-Corning, agreements with foreign manufacturers that restricted imports into and exports of glass fiber from the United States. The Final Judgment, as presently in effect, prohibits the defendants from entering into exclusive license agreements, and from using distributors that distribute glass fiber products of another manufacturer. It also enjoins Owens-Corning from selling glass fiber of fiber products upon the condition that such products are purchased only from Owens-Corning, and requires Owens-Corning to license certain patents to others. In addition, there are a number of prohibitions which simply prohibit activities, like price fixing that are *per se* illegal under the antitrust laws. The Department has filed with the court a memorandum setting forth the reasons why the Department believes that termination of the judgment would serve the public interest. Copies of the Complaint and Final Judgment, defendants motion papers, the stipulation containing the Government's consent, the Department's memorandum and all further papers filed with the court in connection with this motion will be available for inspection in the Legal Procedure Unit of the Antitrust Division, Room 7416, Department of Justice, 10th Street and Pennsylvania Avenue NW., Washington, D.C. 20530 (telephone 202–633–2481), and at the Office of the Clerk of the United States District Court for the Northern District of Ohio, Western Division, 213 U.S. Court House, Toledo, Ohio 43624. Copies of any of these materials may be obtained from the Legal Procedure Unit upon request and payment of the copying fee set by Department of Justice regulation. Interested persons may submit comments regarding the proposed termination of the decree to the Department. Such comments must be received within sixty days, and will be filed with the court. Comments should be addressed to John W. Clark, Chief, Special Trial Section, Antitrust Division, Department of Justice, Washington, D.C. 20530 (telephone 202–724–6335).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 84–12467 Filed 5–8–84; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sources Sought for Research Grants With Educational Institutions for Establishment of Center(s) To Conduct Research on Organic Separations and Pharmaceutical Research

May 1, 1984.

The National Aeronautics and Space Administration (NASA) wishes to solicit proposals from interested universities in the United States of America pursuant to the award of one or more Research grants for the establishment of a center(s) for organic separations and pharmaceutical research. Award(s) will typically be made in the amount of $300,000–$400,000, but awards of greater or lesser amounts may be made. The intent of this award is to stimulate interest and research in the use of the microgravity (space) environment as a bioprocessing laboratory. NASA will commit resources to the selected grantee(s) for a minimum of three (3) years during which time it is hoped that the center(s) will become self-sustaining. Progress reviews will be scheduled by NASA at periodic intervals.

Interested universities should respond within forty-five (45) days to this notice and provide the following information:

(1) Current university activities in the field of organic separations, bioprocessing and pharmaceutical research with particular emphasis on the use or intended use of the microgravity environment. Include the qualifications of the researchers, faculty status and contributions as evidenced by published papers in referred journals and/or awards. Provide level of graduate student participation and evidence of interdepartmental and interdisciplinary nature of current research activities. Indicate attitude of university toward visiting researchers and provide evidence of such by ability of proposed scientists to attract colleagues to their laboratories. Provide description of current facilities and major laboratory equipment available for research.

(2) Proposed future research activities as currently envisioned by the proposer. Specify areas of particular relevance to the use of the microgravity environment with an indication of time-scale relative to space experimentation. Provide a list of proposed researchers at the center. Include, also, future time commitments of the individuals if the center grant is awarded. Exclusive agreements with individual industrial firms (if any) by the proposed center scientists will need to be disclosed.

(3) Proposed structure and management of the "center". Please include a description of the proposed center director and that person's time commitment to the center. Provide an estimate of graduate student involvement. Describe the planned interdisciplinary and interdepartmental nature, if any, of the center, as well as potential collaborations with other universities. Describe specifically how the center will be managed, including formal means of communication, i.e., scheduled meetings, visits to industrial concerns, symposia, etc.; locations of the center as an element within the university; and proposed means of reporting.

(4) Funding requirements of the center. The NASA grant is intended to "seed" the center and will not be sufficient to totally support the center. Describe how the center will support itself either through additional grants from other Government agencies. State agencies, and foundations or from industrial concerns. Document this support if any such commitment exists. Funding requirements should be set forth in terms of salaries, facilities, equipment purchases, etc. Finally, describe how the center funding will be controlled.

The above criteria will be weighted equally in the proposed evaluation.

The proposal to be submitted should not exceed a total of 25, 8½ × 11", pages. The proposal may be either single or double spaced, but must be in pica (or larger) type, and printed on one side only. Interested parties should respond by sending 10 copies of their proposal within 45 days of this notice to: Mr. Richard E. Halpern, Code EN, NASA Headquarters, Washington, DC 20546.

Questions or clarification can be addressed in writing or by calling Mr. Halpern at (202) 453–1490.

D. A. Douvarjo,

Contracting officer.

[FR Doc. 84–11591 Filed 5–9–84; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Inter-Arts Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Challenge Section) to the National Council on the Arts will be held on May 22, 1984, from 9:00 a.m.–5:30 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.

Dated: May 1, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–12439 Filed 5–8–84; 8:45 am]

BILLING CODE 7537–01–M

Music Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Section) to the National Council on the Arts will be held on May 25–27, 1984, from 9:00 a.m.–5:30 p.m. in room M–07 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.

Dated: May 1, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84-12440 Filed 5-8-84; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for OMB 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 Clearance Officer: Carlos Tellez, (202) 395-7313.

Title: Industrial Panel on Science and Technology.

Affected Public: Business or other for-profit.

Number of Responses: 350 respondents; total of 700 burden hours.

Abstract: Information, especially of a qualitative nature, is needed to supplement and explain the quantitative data on science and technology (S&T) employment and funding which are obtained from other NSF sources. OMB, OSTP, and Congress, whose needs transcend our annual surveys, use the response of business leaders from R&D performing companies and other leading industrial users of S&T personnel to make timely decisions on S&T policy questions.

Dated: May 4, 1984.

Herman G. Fleming,

Agency Clearance Officer.

[FR Doc. 84-12455 Filed 5-8-84; 8:45 am]

BILLING CODE 7555-01-M

Engineering Research Centers Support Program; Meeting

The Directorate for Engineering plans to initiate a new program to support Engneering Research Centers (ERC) in Fiscal Year 1985. The Centers will be supported to meet a need for providing cross-disciplinary research opportunities for faculty and students, for providing fundamental knowledge which can contribute to the solution of important national problems, and for preparing engineering graduates with the diversity and quality of education needed by U.S. industry. U.S. academic research institutions with engineering research and education programs are invited to submit proposals for these Centers. Additional information is contained in the program announcement NSF 84-22.

A meeting will be held in Washington, D.C. on June 15, 1984 from 10 a.m. to noon to answer questions from prospective proposers. The meeting will be held in the auditorium (first floor) of the General Services Administration building which is located at 18th and F Streets NW. The ERC program announcement (NSF 84-22) is comprehensive and contains all the information needed to submit a proposal. The meeting will provide an opportunity to ask questions and meet with Engineering Directorate program staff. For a copy of the program announcement, write Engineering Research Centers Program, Directorate for Engineering-Room 1115 National Science Foundation, Washington, D.C. 20550 or contact Janice Apruzese (202) 357-9834. Technical inquiries regarding the program should be directed at one of the Engineering Divisions: Chamical and Process Engineering (202) 357-9606; Civil and Environmental Engineering, (202) 357-9545; Electrical, Computer, and Systems Engineering (202) 357-9618; Mechanical Engineering and Applied Mechanics (202) 357-9542.

Dated: May 4, 1984

Submitted by: Janace Apruzese.

Approved by:

William Butcher,

Director, Division of Civil and Environmental Engineering.

[FR Doc. 84-12474 Filed 5-8-84; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[ASLBP Docekt No. 82-468-01 OL, (NRC Docket Nos. 50-458-OL, 50-459-OL)]

Gulf States Utilities Company, et al., (River Bend Station, Units 1 and 2), Memorandum and Order (Telephone Scheduling Conference)

May 3, 1984.

On May 2, 1984, a telephone conference was held with the Chairman of the captioned Board and the following representatives of the parties: for Intervenors, Stephen M. Irving, James W. Pierce and Linda B. Watkins; for Applicants, Jessica H. Laverty and Mark J. Wetterhahn; for the State of Louisiana, J. David McNeill, III; for Staff, David A. Repka, William F. Patterson, Jr. and the project manager Edward J. Weinkam, III; and for FEMA, Michael Hirsch from the FEMA Office of General Counsel. The principal purpose of the conference was to establish schedules and address some miscellaneous matters as described in this Board's order dated March 28, 1984.

Miscellaneous Matters

In response to the Chairman's question concerning the withdrawal of Doris Falkenheiner, the Joint intervenors advised that the withdrawal created no representation problems. Accordingly, the withdrawal is approved.

In response to the Chairman's question concerning the status of Unit 2 and contentions relating to it, Mr. Wetterhahn reported that the Applicants are preparing two filings comprised of: (1) A motion to terminate the proceeding as to Unit 2, and (2) a report to the Staff concerning site restoration. The matter was discussed briefly and it was noted that excavation work for Unit 2 had been performed, some equipment had been purchased, and some of the facilities under construction related to both Unit 1 and Unit 2. Mr. Wetterhahn reported that Applicants are gradually revising the Final Safety Analysis Report to delete references to Unit 2. While Mr. Wetterhahn hoped to file item 1 and 2 by the end of May, it was agreed in any event that the documents would be filed by June 30, 1984 at the latest. The status of Unit 2 and the contentions relating to it will then be addressed promptly.

Safety Contentions Schedule

With respect to the two safety contentions in the proceeding, the Chairman proposed dates for proceeding to hearing which, adjusted for a conflict in Mr. Wetterhahn's schedule, were agreed to by the parties as follows:

1984—Event

June 15—Discovery complete
June 29—Summary disposition motions filed
July 19—Answers filed
July 30—Replies filed
August 31—Board ruling on summary disposition motions
September. 17—Testimony, premarked exhibits, and proposed findings of fact and conclusions of law filed
October 9—Final prehearing conference and limited appearance statement (possibly at a site closer to the plant)
October 10—Hearing commences at the Court of Appeals [if available], First Circuit, Courtroom 905, Governmental Building, 222 St. Louis Street, Baton Rouge, Louisiana.

Representatives of Applicants, Staff, and the State of Louisiana reported that they had not yet decided whether to file summary disposition motions. Accordingly, each of them are directed to notify the Board on or before June 15, 1984 whether they will file such a motion.

Applicants estimated that the entire hearing on the two contentions would require from 3-6 days to complete. All parties agreed.

Emergency Planning Schedule

The Chairman suggested that in light of the responses to the contentions filed that it would be beneficial for all the parties to meet to discuss the possible refinement or settlement of some or all of the contentions. Ms. Watkins noted that Joint Intervenors may want to file more contentions because they consider the emergency plan incomplete. There was brief discussion of the terms and conditions under which additional contentions might be filed. Mr. McNeill reported for the State of Louisiana that bills had been introduced in the state legislature which could modify certain aspects of the emergency plan. After further discussion, it was agreed that Joint Intervenors would met with Mr. McNeill in an open meeting at the Louisiana Nuclear Energy Division (if space is available) at 1:00 P.M. on May 18 and again at 1:00 P.M. on May 21, 1984 to discuss the state of the emergency plan and contentions relating to it. All other parties will plan to atend. Mr. McNeill will file a report with the Board on or before May 31, 1984 concerning the discussions held and any conclusions reached.

The following schedule for that portion of the proceeding relating to emergency planning contentions was discussed and agreed to by the parties:

1984—Event

June 19—Oral argument on emergency planning contentions (Board quorum: Judges Cotter and Linenberger)
July 12—Final oral argument on emergency planning contentions (if needed) followed by an oral ruling by the Board on the record
July 12—Commence discovery
September 15—Complete discovery
October 1—Summary disposition motions filed
October 22—Answers filed
November 1—Reply filed
December 3—Board ruling on summary disposition motions
December 5—Final prehearing conference
December 18—Prefiled testimony, exhibits, and proposed findings of fact and conclusions of law filed

1985—Event

January 8—Commence hearing

Mr. Wetterhahn commented that Applicants' fuel load date was April 1985 and that in the interests of advancing the foregoing dates, Applicants might forego filing summary disposition motions. Mr. Irving noted that he had a trial scheduled for January but that the date had not yet been set.

Mr. Repka reported that Brian P. Cassidy, Esquire, would represent FEMA in the proceeding. Mr. Repka also reproted that the Staff Safety Evaluation Report was scheduled to go to the printer on May 11, 1984 and that the Final Environmental Report was scheduled to go to the printer on June 26, 1984.

Financial Qualifications

The Chairman asked the Joint Intervenors in light of the D.C. Circuit ruling in *New England Coalition on Nuclear Pollution v. NRC*, No. 82–1581 (D.C. Cir., Feb. 7, 1984) whether they wished to pursue the financial qualifications contention which they had filed. Earlier the contention had been dismissed as a challenge to a rule then in effect. The Joint Intervenors stated that they would wish to pursue that contention if at all possible. The Chairman commented that the precise status of such contentions was not yet clear because the Commission had not yet issued a policy statement on the D.C. Circuit decision. As soon as any such policy statement is issued, the Chairman will forward it to all parties. Any financial qualification contention then admitted to the proceeding will be addressed and scheduled promptly.

Order

For all the foregoing reasons, it is this 3rd day of May, 1984.

Ordered

1. That the withdrawal of Doris Falkenheiner is approved;

2. That resolution of the status of Unit 2 and contentions thereon will await resolution of Applicants' filings which are to be made no later than June 30, 1984;

3. That Staff, Applicant, and the State of Louisiana shall notify the Board on or before June 15, 1984 whether or not they will file summary disposition motions on safety contentions;

4. That the schedule for commencing hearing on safety contentions on October 10, 1984 is fixed as stated in the above memorandum;

5. That counsel for Louisiana will file with the Board a report on the discussions held and conclusions reached regarding emergency planning contentions on or before May 31, 1984;

6. That the schedule for commencing hearing on emergency planning contentions on or before January 8, 1985 is fixed as stated in the above memorandum; and

7. That any financial qualifications contention admitted to the proceeding will be addressed promptly after the Chairman has forwarded the Commission's policy statement thereon to the parties.

B. Paul Cotter, Jr.,

Chairman, Administrative Judge.

[FR Doc. 84–12517 Filed 5–8–84; 8:45 am]
BILLING CODE 7590 01–M

[Docket Nos. 50–282 and 50–306]

Northern States Power Co. (Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2); Exemption

I

The Northern States Power Company (the licensee) is the holder of Facility Operating License Nos. DPR–42 and DPR–60 which authorize operation of the Prairie Island Nuclear Generating 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 Goodhue County, Minnesota.

II

By letter dated January 23, 1984, the licensee requested an exemption from the schedular requirements of 10 CFR 50.48(c), which establishes deadlines for the completion of fire protection modifications required by Appendix R to 10 CFR Part 50. Specifically, the licensee requested that the current deadline of February 4, 1984, for the installation of one-hour barriers pursuant to Section III.G.2(c), be extended to December 31, 1984, for both Prairie Island units. The request applies to Fire Areas 31, 32, 58, 59, 73 and 74, in which areas certain shutdown-related cables are being wrapped to provide the requisite one-hour barrier.

III

The licensee states that the installation of cable wrapping in these fire areas is the only remaining Appendix R modification for the Prairie Island units. In the fire areas mentioned, all other Appendix R measures have been taken to the extent required, i.e. suppression and detection capabilities. Moreover, since the installation of cable wrap does not require plant shutdown, the modifications are proceeding steadily.

The licensee's efforts to complete the

one-hour barrier installation have been delayed somewhat by the necessity of conducting cable derating studies and a review of cable support structures to assure that the existing supports can accommodate the additional weight of the fire wraps. These activities have been completed and steps taken to ensure that the installation of cable wraps will not adversely affect the capacity of the affected cables or the integrity of the modified support structures. Thus, the only remaining activity is the installation of the wrap in the affected fire areas.

The staff finds that the licensee has proceeded diligently to implement Appendix R at the Prairie Island units, and that the fire protection measures required by Appendix R have been installed with the sole exception of the cable wrap for which the extension is requested. Under these circumstances, the public health and safety will not be adversely affected by the extension of the deadline for a period of 11 months, especially considering that the work will be accomplished steadily throughout this period.

IV

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 exemption with respect to the requirements of subsection III.G of Appendix R to 10 CFR 50:

Extend the implementation date in paragraph (c)(2) for installation of modification in Fire Areas 31, 32, 58, 59, 73 and 74 required by Appendix R subsection III.G for both units, from nine months after May 4, 1983 to December 31, 1984.

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 26th day of April, 1984.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 84-12518 Filed 5-8-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443 and 50-444]

Public Service Company of New Hampshire, et al.,[1] Seabrook Station, Unit 1 and Unit 2; Order Extending Construction Completion Date

Public Service Company of New Hampshire, et al. and the other owners listed below are the holders of Construction Permit Nos. CPPR-135 and CPPR-136 issued by the Nuclear Regulatory Commission on July 7, 1976 for the Seabrook Station, Unit 1 and Unit 2. These facilities are presently under construction at the applicants' site in Rockingham County, New Hampshire.

By letter dated May 26, 1983, Public Service Company of New Hampshire (PSNH) filed a request for extension of the latest construction completion dates for the facilities. The construction permits presently have a June 30, 1983 latest completion date for Unit 1 and an October 31, 1984 latest completion date for Unit 2. The request is to extend the latest completion dates to June 30, 1986 for unit 1 and October 31, 1988 for Unit 2.

PSNH states that this extension is requested because construction has been delayed due to:

1. The original dates for completion were set forth in the Application as filed on March 30, 1973. The public documents on this docket provide evidence which substantiates the delays which occurred prior to issuance of the permits in July 1976, and the two cessations of construction which were subsequently ordered as a result of regulatory conflicts between federal agencies, including a four-month suspension in 1977 and a three-week suspension in July 1978, each of which resulted in delay for restarting as well.

2. Changes in the scope of the project, including increases in the amount of material and engineering required as a result of regulatory actions, in particular, those since TMI.

3. Construction delays and lower than estimated productivity have slowed the installation of material and equipment.

4. Construction slowdowns necessitated by State regulatory actions.

Prior public notice of this extension was not required since the Commission has determined that: (1) This action involves no significant hazards consideration, (2) good cause has been shown for the delays, and (3) the requested extension is for a reasonable period of time. The staff's conclusions are set forth in the NRC staff's evaluation of the request for extension.

The Commission has determined that this action will not result in any significant environmental impact and, 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.

The NRC staff's evaluation of the request for extension of the construction permit is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03833.

It is hereby ordered that the latest completion date for CPPR-135 is extended from June 30, 1983 to June 30, 1986 and the latest completion date for CPPR-136 is extended from October 31, 1984 to October 31, 1988.

Date of Issuance: May 1, 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-12519 Filed 5-8-84; 8:45 am]

BILLING CODE 7590-01-M

[1] The current construction permit holders for Seabrook Station are: Bangor Hydro-Electric Company, Canal Electric Company, Central Maine Power Company, Central Vermont Public Service Corporation, Connecticut Light & Power Company, Fitchburg Gas & Electric Light Company, Hudson Light & Power Department, Maine Public Service Company, Massachusetts Municipal Wholesale Electric Company, Montaup Electric Company, New England Power Company, New Hampshire Electric Cooperative, Inc., Public Service Company of New Hampshire, Taunton Municipal Lighting Plant, the United Illuminating Company, Vermont Electric Generation and Transmission Cooperative, Inc., and Washington Electric Cooperative, Inc.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination of Closing of Meetings

The Industry Advisory Committees for Trade Policy Matters (including the Industry Policy Advisory Committee, the Committee of Chairmen of Industry Advisory Commitees, the Industry Sector Advisory Committees, and the Industry Functional Advisory Committees) (the Advisory Committees) have been established to advise the United States Trade Representative and the Secretary of Commerce, in accordance with subsection 135(a) of the Trade Act of 1974, as amended. The Act on trade matters referred to in section 102 of the Trade Act of 1974 as amended; with respect to the operation of any trade agreement once entered into; and with respect to other matters arising in connection with the

administration of the trade policy of the United States.

Meetings of the Advisory Committees will involve the review and discussion of trade negotiations and other matters involving the trade policy of the United States. Such reviews and discussions will deal with information submitted in confidence by the private sector members of the Committees under § 135(g)(1)(A) of the Act, information submitted by government officials under § 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives, information and disclosure of which would be likely to significantly frustrate implementation of proposed government action, and information properly classified pursuant to Executive Order 12356 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committees have all necessary security clearances.

Consistent with previous determinations concerning other advisory committees established under section 135(c) of the Act, I hereby determine that meetings of the Advisory Committees will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions and with matters listed in section 552(c) of Title 5 of the United States Code. Therefore, meetings of the Advisory Committees will be closed to the public unless otherwise determined by the United States Trade Representative or his designee.

William E. Brock,

United States Trade Representative.

[FR Doc. 84-12443 Filed 5-8-84; 8:45 am]

BILLING CODE 3190-01-M

POSTAL SERVICE

Intent To Solicit Proposals for Additional Transportation of Mail by Air

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service intends to solicit proposals for additional transportation of mail, by air carriers, to and from points located in the United States with service to commence on January 1, 1985.

DATES: Request for proposals will be issued on May 10, 1984. Offers will be accepted by the Postal Service until 3 p.m., June 14, 1984.

ADDRESS: Negotiation packages may be obtained by interested parties by writing to General Manager, Transportation, Procurement and Policy Division, Room 7913, U.S. Postal Service, Washington, D.C. 20260-7132.

FOR FURTHER INFORMATION CONTACT: J. Paul Seehaver, (202) 245-4035.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84-12480 Filed 5-8-84; 8:45 am]

BILLING CODE 7710-12

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-20922; File No. SR-Amex-84-10]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.; Relating to Listing Distribution Guidelines for Warrant Issues Issued as Part of a Unit Offering

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 23, 1984, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is proposing to amend Section 105 of the Amex Company Guide to reduce the distribution requirements from 1,000 holders to 400 holders for warrants which are issued as a part of a unit offering.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) *Purpose.* The purpose of amending the distribution criteria, for warrants issued as a part of a unit offering, contained in Section 105 is that there is no inherent trading problem which requires extensive public distribution for a derivative security whose price will fluctuate with the price of the security for which it is exercisable. Since warrants are often issued in connection with debt or preferred stock offerings, which securities have minimum holder requirements, the present warrantholder requirement, which is the same as that for common stock, unnecessarily limits the number of warrant issues which would otherwise qualify and appear suitable for Exchange listing. Accordingly, it is proposed to reduce the present 1,000 holder requirement to 400 holders in the case of warrants sold as part of a unit offering.

(b) *Basis.* The proposed amendment is consistent with Section 6(b) of the Exchange Act in general and furthers the objectives of Section 6(b)(5) of the Act in particular in that they are designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden of Competition

The Exchange has determined that the proposed rule change will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 2, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-12502 Filed 5-8-84; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 3, 1984.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

New York Times Co.
Class A Common Stock, $.10 Par Value (File No. 7-7435)
Washington Post Co.
Class B Common Stock, $1 Par Value (File No. 7-7436)
Porta Systems Corp.
Common Stock, $.01 Par Value (File No. 7-7437)
Citadel Holding Corp.
Common Stock, $.01 Par Value (File No. 7-7438)
Pioneer Systems, Inc.
Common Stock, $.10 Par Value (File No. 7-7439)
Limited, Inc.
Common Stock, $.50 Par Value (File No. 7-7440)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 24, 1984 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-12501 Filed 5-8-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20915; File No. SR-DTC-84-01]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Depository Trust Co.

May 1, 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 22, 1984, the Depository Trust Company ("DTC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change revises DTC's fees for certain major services. The proposal increases fees for certain bearer municipal bond services, including certificate-on-demand ("COD") withdrawals for registered securities. DTC states that these fee increases continue DTC's policy of charging lower fees for COD instructions through DTC's Participant Terminal System ("PTS"). That policy is designed to encourage use of PTS and to reduce the number of paper instructions. The proposed rule change also establishes new fees for certain PTS services, including inquiries concerning aged withdrawals-by-transfer and Institutional Delivery System ("IDS") confirmation data received from participants through DTC's IBM Information Network, which currently is being operated on a pilot basis. The fee structure for the IDS confirmation data also is structured to encourage use of advanced automated submission mechanisms.

DTC solicited comments on the proposal and received comments from ten participants. Seven participants objected to some of the proposed fee changes as excessive, particularly the fee increase for processing bearer municipal bond redemptions/calls. Two participants requested that DTC delay implementing the proposed fee increases for bearer municipal bond processing until after the MSRB rules relating to mandatory use of book-entry settlement systems become effective in February 1985. In response, DTC stated that it is incurring and will continue to incur, substantial increases in costs relating to its bearer municipal bond program and that the fee increase is a result of these increase cost.

In conversations with Commission staff, DTC stated that, because some of its service fees result in revenues substantially below current service costs, DTC needs to raise those fees significantly. Furthermore, DTC noted that it continues to experience substantial expenditures to expand its services and safe keeping facilities to meet existing and projected participant demand. The projection reflects the February 1, 1985 effective date of Municipal Securities Rulemaking Board rule Amendments that require book-entry settlement of certain securities transactions. DTC, therefore, believes that immediate implementation of the proposed rule change is necessary and appropriate.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. 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 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–DTC–84–1.

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 Fifth Street, NW., Washington, D.C. Copies of the filing and of and subsequent amendments also will be available for inspective 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. 84–12497 Filed 5–8–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–20919; File No. SR–NASD–84–6]

Self-Regulatory Organizations; Proposed Rule Change by National Associations of Securities Dealers, Inc.; Relating to Fee for Trade Acceptance and Reconciliation Service

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78x(b)(1), notice is hereby given that on April 16, 1984, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is published this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends Schedule D to the Association's By-Laws to provide for subscriber fees for the Association's proposed Trade Acceptance and Reconciliation Service (TARS).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

This proposed rule change provides for fees for TARS service. The fees will be $100 per month for each TARS dedicated terminal providing both query and update capability, $50 per month for each shared terminal providing query and update capability for TARS as well as other service and $25 per month for each terminal providing query only capability. In addition, subscribers shall be charged $.25 for each query/response or or correction message.

The proposed rule change is based upon a review of actual TARS development costs and projected operating expenses versus expected revenues which showed that existing rates are indequate to provide sufficient revenue to cover the Association's costs in administering the service. As indicated at the time of filing of the original fee structure, it was anticipated that the fees would be reassessed based upon actual experience in administering the system.

This proposed rule change is consistent with Section 15A(b)(5) of the Act which requires that the rules of the Association provide for the equitable allocation of reasonable dues, fees and other charges among members in that the structure imposes fees based upon subscriber usage of the system.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not result in a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (3) of Securities Exchange Act Rule 19b–4. 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 Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views are arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provision of 5 U.S.C. 522, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 1, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–12499 Filed 5–8–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 20926; SR–PSE–84–5]

Self-Regulatory Organization; Proposed Rule Change by Pacific Stock Exchange, Inc.

May 3, 1984.

The Pacific Stock Exchange, Inc. ("PSE") submitted on March 8, 1984, copies of a proposed rule change

pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to amend its listing fee schedule by adopting a refund policy under which the Exchange would return all but 25% of the listing fee paid by an issuer that withdraws an original or additional listing application before the Exchange has either approved or disapproved it. The amount retained would be applied as partial payment for the listing fee of a new application submitted within one year to list the same issue. On March 14, 1984, the PSE filed with the Commission Amendment No. 1 to SR–PSE–84–5 which states that the Exchange will refund all but 25% of the fee paid for a listing application that has been disapproved by the Exchange. In addition, Amendment No. 1 provides that no refund will be made on a listing application that is withdrawn after the Exchange has approved it.

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. 20777, March 21, 1984) and by publication in the **Federal Register** (49 FR 12352, March 29, 1984). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and the regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–12500 Filed 5–8–84; 8:45 am]

BILLING CODE 8010–01–M

Compagnie Bancaire et al.; Application

[Release No. 13918; (812–5741)]

May 1, 1984.

Notice is hereby given that Compagnie Bancaire ("CB") and its wholly-owned subsidiary Campagnie Bancaire USA Finance Corporation ("CB Finance") (together, "Applicants") filed an application on January 9, 1984, 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 made therein, which are summarized below, and to the Act and the rules thereunder for the provisions thereof which are relevant to a consideration of the application.

Applicants represent that CB, a French *Société anonyme* with the status of a merchant bank (*banque d' affaires*) under French law, is a holding company for a group of French companies and financial institutions. According to Applicants, CB began its activities in 1959 with the financing of business firms, consumer durables, and housing and, since its organization, has expanded its activities to include real estate investments, property development, insurance, data processing management, and long-term savings account programs. According to the application, CB is not funded primarily by public deposits; rather, it finances the loans it distributes. The application states that, as of December 31, 1982, CB's financing structure was composed of shareholders' equity, term deposits, and debentures (30.3%); banking facilities (25.1%); and borrowings on money, mortgage, and exchange markets and medium-term discountable paper (44.6%).

The application states that CB Finance, a Delaware corporation, was established on December 22, 1983, solely to obtain funds to be used by CB. According to the application, no capital stock or other securities of CB Finance have been issued. It is contemplated that all the proceeds of offerings made by CB Finance (except for amounts needed to repay maturing securities issued by CB Finance and to meet its expenses) will be relent to or deposited with CB. The application states that payment of the principal of and interest on securities issued from time to time by CB Finance will be unconditionally guaranteed by CB.

According to Applicants, CB's basic operating authority comes from its registration on the list of authorized banks administered by the National Credit Council which regulates the banking profession. Applicants state that, like other registered banks, CB is subject to a variety of regulatory and other measures, principally administered, often on a cooperative basis, by the Bank of France and the National Credit Council. Applicants further state that the Bank Control Commission monitors compliance with these regulations. According to Applicants, these measures include (1) liquidity and risk ratios; (2) various monetary policies established by the Ministry of Economy, Finance, and Budget and implemented by the National Credit Council and the Bank of France; (3) regulations preventing CB from using demand deposits or deposits with a maturity of less than two years to finance its investments in newly organized business entities; and (4) periodic reports and documents to the Bank Control Commission.

Applicants propose that CB Finance issue and sell in the United States unsecured short-term promissory notes of the type generally referred to as commercial paper ("Notes"), the proceeds of which (except as noted above) will be made available to CB in the form of loans or deposits on terms that are substantially similar to those of the Notes and that will allow CB Finance to make timely payments on the Notes. Applicants state that payments of the Notes will be unconditionally quaranteed by CB. Applicants also state that, if CB were to issue the Notes directly, the interest payments on the Notes could be subject to a French withholding tax and, accordingly, it is proposed that CB Finance issue the Notes.

According to Applicants, the Notes will be issued in minimum denominations of $100,000, will be direct liabilities of CB Finance, and will rank *pari passu* among themselves and equally with all other unsecured indebteness of CB Finance. Applicants state that the gurantees by CB of the Notes will rank *pari passu* with all other unsecured indebtedness of CB (including its deposit liabilities). Applicants undertake to ensure that the Notes will be issued and sold through one or more major American commercial paper dealers to the types of investors who normally participate in the United States commercial paper market and that the Notes will not be advertised or otherwise offered for sale to the general public. The Applicants undertake to ensure that the dealer or dealers will provide each offeree of the Notes, prior to any sale of Notes to such offeree, with a memorandum which describes the business of CB and CB Finance and contains CB's most recent publicly available financial statements, which shall have been audited in such manner as is customarily done for CB by its French auditors, accompanied by a description of any material differences between the accounting principles applicable to CB in the preparation of such financial statements and generally accepted accounting principles applicable to banks in the United States. Applicants represent that the

memorandum will be updated as promptly as practicable to reflect any material changes in the business and financial condition of CB or CB Finance and will be at least as comprehensive as those customarily used in offering commercial paper in the United States. Further, the Applicants consent to any order granting the relief requested pursuant to Section 6(c) of the Act being expressly conditioned upon its compliance with the foregoing undertaking.

The application avers that the characteristics of the Notes and the manner of offering to investors will be such as to qualify the Notes for exemption from registration under Section 3(a)(3) of the Securities Act of 1933 ("1933 Act"). Applicants represent that they will not issue and sell the Notes until an opinion of special legal counsel in the United States has been received to the effect that the proposed issuance of commercial paper described in this application is entitled to the exemption afforded by Section 3(a)(3) of the 1933 Act and that they do not request Commission review or approval of counsel's opinion letter regarding the availability of an exemption under Section 3(a)(3) and the Commission expresses no opinion as to the availability of any such exemption.

Applicants represent that they will appoint a bank or branch of a foreign bank in the United States as authorized agent to issue the Notes from time to time and will each appoint such bank or branch or some other United States person which normally acts in such capacity to accept any process which may be served in any action based on the Notes or the gurantees relating thereto and instituted in any state or Federal court by the holder of any Note. Applicants further represent that they will expressly accept the jurisdiction of any State or Federal court in the City and State of New York in respect of any such action and will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Notes or otherwise. Such appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Notes have been paid.

Applicants state that they or either of them may, from time to time, offer other debt securities for sale in the United States, but they will not offer equity securities for sale in the United States without a further order of the Commission pursuant to Section 6(c) of the Act. According to the application, any such securities issued by CB Finance would be unconditionally guaranteed by CB. In connection with any such offering, Applicants undertake to ensure that offerees will be provided, prior to any sale of such debt securities, with disclosure documents at least as comprehensive as the memorandum issued in connection with the Notes and, in no event, less comprehensive than is customary for offering in the United States of similar debt securities. The Applicants consent to any order granting the relief requested pursuant to Section 6(c) of the Act being expressly conditioned upon its compliance with the foregoing undertaking regarding such disclosure documents. Applicants further undertake to appoint an agent to accept any process which may be served in any action based on such securities (or guarantee thereof by CB) and instituted in any State or Federal court by any holder of any such securities and to accept the jurisdiction of any State or Federal court in the City and State of New York in respect of any such action. Such appointment of an agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect to such securities have been paid. The application represents that presently proposed issue of the Notes and all future issues of securities offered for sale in the United States by CB or CB Finance shall have received, prior to issuance, one of the three highest investment grades from at least one nationally recognized statistical rating organization and that its United States counsel shall have certified that such rating has been received. No such rating shall be required to be obtained, if, in the opinion of such United States counsel, such counsel having taken into account for the purposes thereof the doctrine of "integration" referred to in Rule 502 under the 1933 Act and various "no-action" letters made public by the Commission, and exemption from registration is available with respect to such issue under Section 4(2) of the 1933 Act.

CB contends that it is not an investment company within the meaning of the Act, but it recognizes that uncertainty exists as to whether some foreign banks are investment companies. Applicants assert that approval of this application would be appropriate in the public interest. They believe that, if they were deemed to be investment companies, they would be precluded from access to the United States commercial paper market, a major financing source, to their competitive disadvantage in comparison with many large United States banks. Applicants further assert that an exemption would be consistent with the protection of investors and the purposes and policies fairly intended by the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 25, 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 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. 84-12498 Filed 5-8-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 906]

Bureau of Oceans and International Environmental and Scientific Affairs; Environmental Impact

AGENCY: Department of State.

ACTION: Finding of no significant impact.

SUMMARY: The Department of State has reviewed and adopted with minor additions an environmental assessment produced for the State of Washington on a proposed agreement between the City of Seattle and the Province of British Columbia on the sharing and generating of electrical power. This agreement is being confirmed by a Treaty between the United States and Canada relating to the Skagit River and Ross Lake and the Seven Mile Reservoir on the Pend D'Oreille River, signed April 2, 1984. The proposed federal action is the ratification of this treaty. This agreement was designed as an alternative to the raising of Ross Dam which would have had significant environmental impacts.

Based on the findings of the environmental assessment, the Department concludes no significant environmental impacts will result from ratification of the treaty.

Copies of the environmental assessment may be obtained from Ms. Sally Valdes-Cogliano, OES/ENH, Room 4325, Department of State, Washington, D.C. 20520, (202–632–2311).

Dated: May 2, 1984.

Jack Blanchard,

Acting Director, Office of Environment and Health.

[FR Doc. 84–12462 Filed 5–8–84; 8:45 am]

BILLING CODE 4710–09–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. IP84–8; Notice 1]

Isuzu Motors Limited; Receipt of Petition for Determination of Inconsequential Noncompliance

Isuzu Motors Limited of Japan has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.120, Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph § 5.2 (a), (b), and (c) of Standard No. 120 require rims on vehicles other than passenger cars to be marked with the designation indicating the rim's published source of nominal dimensions, rim size designation, and the symbol DOT, constituting a certification by the manufacturer of the rim that the rim complies with all applicable Federal motor vehicle safety standards. Noncompliances with these requirements exist on 1173 Isuzu Trooper and Trooper II multi-purpose passenger vehicles and trucks, covering approximatley 5,865 disc wheels. Specifically, the letter indicating the source of the rim size designation is missing as is the DOT symbol. The letter "J" should have been supplied, indicating Standard JASO C603–80 Steel Disc Wheels for Automobiles, issued by the Japanese Automobile Standards Organization (JASO). In addition, the rim size shown in the order "of width by diameter rather than diameter by width", i.e., 6JJ×15 rather than 15×6JJ.

Isuzu argues that the noncompliances are inconsequential because the noncompliances do not affect the performance of the vehicle, the rim and tires are properly matched, and correct tire sizes which match the rim are stated on the label affixed pursuant to § 5.3 of Standard No. 120.

Interested persons are invited to submit written data, views and arguments on the petition of Isuzu Motors Limited described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and lawyer primarily responsible for this notice are A. Y. Casanova and Taylor Vinson, respectively.

Comment closing date: June 8, 1984.

(Sec. 102, Pub. L. 93–42, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued: May 2, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84–12452 Filed 5–8–84; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535–6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: New
Form Number: None
Type of Review: New Collection
Title: Roper Reports Proprietary Questions

OMB Reviewer: Norman Frumkin, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: May 3, 1984.

John Poore,

Departmental Reports Management Office.

[FR Doc. 84–12535 Filed 5–8–84; 8:45 am]

BILLING CODE 4810–25–M

Office of the Secretary

[Department Circular; Public Debt Series—No. 12–84]

Treasury Notes of May 15, 1987; Series N–1987

May 3, 1984.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $6,500,000,000 of United States securities, designated Treasury Notes of May 15, 1987, Series N–1987 (CUSIP No. 912827 QT 2). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated May 15, 1984, and will bear interest from that date, payable on a semiannual basis on November 15, 1984, and each subsequent 6 months on May 15 and November 15 until the principal becomes payable. They will mature May 15, 1987, and will not be subject to call for redemption prior to maturity. In the

event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The securities are subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Daylight Saving Time, Tuesday, May 8, 1984. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, May 7, 1984, and received no later than Tuesday, May 15, 1984.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities may submit tenders for acount of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. A noncompetitive bidder may not have entered into an agreement, or make an agreement with respect to the purchase or sale or other disposition of any noncompetitive awards of this issue in this auction prior to the designated closing time for receipt of tenders.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established. On the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Tuesday, May 15, 1984. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, May 11, 1984. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for allotted securities for their own accounts and for account of customers by credit to their Treasury Tax and Loan Note Accounts on or before Tuesday, May 15, 1984. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium

must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20239. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84-12583 Filed 5-7-84; 4:30 pm]

BILLING CODE 4810-40-M

[Department Circular; Public Debt Series-No. 13-84]

Treasury Notes of May 15, 1994; Series A-1994

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 13 of Title 31, United States Code, invites tenders for approximately $5,250,000,000 of United States securities, designated Treasury Notes of May 15, 1994, Series A-1994 (CUSIP No. 912827 QU 9). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated May 15, 1984, and will bear interest from that date, payable on a semiannual basis on November 15, 1984, and each subsequent 6 months on May 15 and November 15 until the principal becomes payable. They will mature May 15, 1994, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The securities are subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Daylight Saving time, Wednesday, May 9, 1984. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, May 8, 1984, and received no later than Tuesday, May 15, 1984.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from

commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or primary dealer.

3.5. A noncom,petitive bidder may not have entered into an agreement, or make an agreement with respect to the purchase or sale or other disposition of any noncompetitive awards of this issue in this auction prior to the designated closing time for receipt of tenders.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a 1/8 of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted comeptitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting concompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for alloted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to insitutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4, must be made or completed on or before Tuesday, May 15, 1984. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, May 11, 1984. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for allotted securities for their own accounts and for account of customers by credit to their Treasury Tax and Loan Note Accounts on or before Tuesday, May 15, 1984. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20239. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the treasury may at the time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84-12584 Filed 5-7-84; 4:30 pm]

BILLING CODE 4810-40-M

[Department Circular; Public Debt Series—No. 14–84]

Treasury Bonds of 2009–2014

May 3, 1984.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $4,750,000,000 of United States securities, designated Treasury Bonds of 2009–2014 (CUSIP No. 912810 DJ 4). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated May 15, 1984, and will bear interest from that date, payable on a semiannual basis on November 15, 1984, and each subsequent 6 months on May 15 and November 15 until the pricipal becomes payable. They will mature May 15, 2014, but may be redeemed at the option of the United States on and after May 15, 2009, in whole or in part, at par and accured interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The securities are subject to all taxes imposed under the Internal Revenue Code of 1954. The Securities are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. the securities will be acceptable to secure deposits of public monies. they will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Daylight Saving time, Thursday, may 10, 1984. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, May 9, 1984, and received no later than Tuesday, May 15, 1984.

3.2. The face amount of securities bid for must be stated on each tender. the minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield (to maturity) with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. A noncompetitive bidder may not have entered into an agreement, or make an agreement with respect to the purchase or sale or other disposition of any noncompetitive awards of this issue in this auction prior to the designated closing time for receipt of tenders.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 92.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield (to maturity) bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield (to maturity) of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent

to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Tuesday, May 15, 1984. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, May 11, 1984. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for allotted securities for their own accounts and for account of customers by credit to their Treasury Tax and Loan Note Accounts on or before Tuesday, May 15, 1984. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Dept., Washington, D.C. 20239. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84-12585 Filed 5-7-84; 4:30 pm]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

[Order No. 84-6]

Delegation to the Associate Director for Broadcasting

Pursuant to the authority vested in me as Director of this Agency by Reorganization Plan No. 2 of 1977, and by Executive Order 12048 of March 27, 1978, there is hereby delegated to the Associate Director for Broadcasting the following described authority:

1. The authority to provide for assistance under section 203 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1448) to any community center founded and sponsored by citizens of the United States, and operating at or near Tinang, Philippines transmitter site and to serve as a demonstration project for methods and practices employed in the United States.

2. The authority to donate money, services, or materials to any such center established as a non-profit organization, pursuant to Section 801 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1471).

3. The authority to redelegate any authority granted herein together with the power of further redelegation.

4. Nothwithstanding any other provision of this order, the Director may at any time exercise any function or any authority delegated herein.

5. All actions taken pursuant to this authority shall be taken only after consultation with the Office of the General Counsel.

This delegation of authority is effective immediately.

Dated: May 3, 1984.

Leslie Lenkowsky,

Acting Director, United States Information Agency.

[FR Doc. 84-12392 Filed 5-8-84; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension and lists the following information: (1) The Department or Staff

Office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395–6880.

DATES: Comments on the information collections should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: May 4, 1984.

By direction of the Administrator.

Robert Schultz,

Director, Office of Information Management and Statistics.

Extension

1. Department of Memorial Affairs
2. Application for Standard Government Headstone or Marker for Installation in a Private or Local Cemetery
3. VA Form 40–1330
4. On occasion
5. Individuals or households
6. 242,000 responses
7. 60,500 hours
8. Not applicable.

[FR Doc. 84–12542 Filed 5–8–84; 8:45 am]

BILLING CODE 8320–01–M

Administrator's Educational Assistance Advisory Committee; Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Educational Assistance Advisory Committee, authorized by section 1792, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue NW, Washington, DC, on June 21, 1984, at 9 a.m. in the Omar N. Bradley Conference Room. The meeting will be for the purpose of reviewing provisions of parts of the VA education programs and making appropriate recommendations thereon.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Ms. Mary F. Leyland, Deputy Director, Education Service (221), Veterans Administration Central Office (phone 202-389-2152), before June 14, 1984.

Interested persons may attend, appear before or file statements with the committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 2:30 p.m. on June 21, 1984.

Dated: May 2, 1984.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 84–12541 Filed 5–8–84; 8:45 am]

BILLING CODE 8320–01–M

Cooperative Studies Evaluation Committee; Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) that the Cooperative Studies Evaluation Committee has been renewed by the Administrator of Veterans Affairs for a two year period beginning May 2, 1984 through May 2, 1986.

Dated: May 2, 1984.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc 84–12540 Filed 5–8–84; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 91
Wednesday, May 9, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 19433.

MEETING NOTICE CORRECTION: The previous Notice omitted the date.

TIME AND DATE: May 10, 1984 (For time, see below).

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

9 a.m.

The Commission will be meeting with representatives from the amusement ride industry to discuss ride safety.

2 p.m.

The Commission will be meeting with amusement ride inspectors to discuss cooperative efforts on ride safety.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

May 7, 1984.

[FR Doc. 84–12568 Filed 5–7–84; 4:23 pm]

BILLING CODE 6355–01–M

2

FEDERAL TRADE COMMISSION

TIME AND DATE: 2:00 p.m., Thursday, June 7, 1984.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTER TO BE CONSIDERED: Consideration of proposed ad substantiation policy statement.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Affairs: (202) 532–1892, Recorded Message: (202) 523–3806.

Emily H. Rock,

Secretary.

[FR Doc. 84–12562 Filed 5–7–84; 10:11 am]

BILLING CODE 6750–01–M

3

FOREIGN CLAIMS SETTLEMENT COMMISSION

F.C.S.C. Meeting Notice No. 5–84. Notice of Meetings. Announcement in Regard to Commission Meetings and Hearings.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date and Time

Wednesday, May 16, 1984 at 10:30 a.m.

Subject Matter

Consideration of Proposed Decisions in the Second Czechoslovakian Claims Program.

Subject matter listed above, not disposed of at the scheduled meetings, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111—20th Street, NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111—20th Street, NW., Room 409, Washington, D.C. 20579. Telephone: (202) 653–6155.

Dated at Washington, D.C. on May 3, 1984.

Judith H. Lock,

Administrative Officer.

[FR Doc. 84–10482 Filed 5–7–84; 4:17 p.m.]

BILLING CODE 4410–01–M

4

NATIONAL TRANSPORTATION SAFETY BOARD

[(NM–84–18)]

TIME AND DATE: 9 a.m., Thursday, May 17, 1984.

PLACE: NTSB Board Room, 8th Floor, 800 Independence Ave. SW., Washington, D.C. 20594.

STATUS: The first three items will be open; the last two items will be closed to the public under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Landry Aviation, Lockheed LearStar L–18, N116CA, near Silvana, Washington, August 21, 1983.
2. *Recommendation* to Federal Aviation Administration regarding sport parachute operations.
3. *Pipeline Accident Report*—Interstate Power Company Natural Gas Explosion and Fire, Clear Lake, Iowa, July 12, 1983.
4. *Opinion and Order*—Administrator v. Hill, Docket SE–5529; disposition of the Administrator's appeal.
5. *Opinion and Order*—Administrator v. Alphin, Docket SE–4824; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382–6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

May 8, 1984.

[FR Doc. 84–12659 Filed 5–7–84; 8:45 am]

BILLING CODE 4910–58–M

5

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–84–17]

TIME AND DATE: 9 a.m., Tuesday, May 15, 1984.

PLACE: NTSB Board Room, 8th Floor, 800 Independence Ave., SW., Washington, D.C. 20594.

STATUS: The first three items are open to the public; the remaining items are closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report:* Rear End Collision of Seaboard System Railroad Freight Trains Extra 8051 North and Extra 1751 North, Sullivan, Indiana, September 14, 1983.

2. *Pipeline Accident Report:* Mid-America Pipeline Company Liquefied Petroleum Gas Pipeline Rupture near West Odessa, Texas, March 15, 1983.

3. *Aircraft Accident Report:* Las Vegas Air Lines, Flight 88, Piper PA-31-350, Grand Canyon, Arizona, August 17, 1983.

4. *Opinion and Order:* Petition of Neuman, Docket SM-3161; disposition of the Administrator's appeal.

5. *Opinion and Order:* Administrator v. Tanner, Docket SE-5938; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382-6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

April 16, 1984.

[FR Doc. 84-12495 Filed 5-4-84; 4:18 pm]

BILLING CODE 4910-58-M

6

NUCLEAR REGULATORY COMMISSION

DATE: Week of May 7, 1984 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Monday, May 7

9:30 a.m.
Oral Argument on Shoreham (Public Meeting) (As Announced)

Tuesday, May 8

2:00 p.m.
Discussion/Possible Vote on Financial Qualifications Policy Statement (Public Meeting (New Item) (Tentative)

Wednesday, May 9

10:30 a.m.
Briefing by AIF on the State of the Industry (Public Meeting) (As Announced)
2:00 p.m.
Discussion of Shoreham Proceeding (Closed—Ex. 10)

Thursday, May 10

10:00 a.m.
Discussion of QA Report to Congress and Status of QA Initiatives (Public Meeting) (Replaces Briefing on Steam Generator Generic Requirements)
2:00 p.m.
Continuation of 5/9 Discussion of Shoreham Proceeding (Closed—Ex. 10) (Replaces Continuation of 4/24 Discussion of Possible Steps to Avoid Licensing Delays)

Friday, May 11

9:30 a.m.
Discussion of terms "Important to Safety" and "Safety Related" (Public Meeting) (New Item)
11:00 a.m.
Discussion of Shoreham Certified Question (Closed—Ex. 10) (Replaces Discussion of Indian Point Adjudicatory Proceeding)
2:00 p.m.
Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (As Announced)

ADDITIONAL INFORMATION: Title change of April 24 meeting-"Discussion of Congressman Markey's Letter of 4/24/84 on Shoreham Proceeding."

TO VERIFY THE STATUS OF MEETINGS CALL: (Recording)-(202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634-1410.

Walter Magee,

Office of the Secretary.

[FR Doc. 84-12496 Filed 5-4-84; 4:12 pm]

BILLING CODE 6750-01-M

7

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of May 14, 1984, at 450 Fifth Street, NW., Washington, D.C.

A closed meeting will be held on Tuesday, May 15, 1984, at 10:00 a.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Treadway and Cox voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 14, 1984, at 10 a.m., will be:

Consideration of administrative proceeding.
Litigation matter.
Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Opinion.

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: David Wescoe at (202) 272-2092.

George A. Fitzsimmons,

Secretary.

May 4, 1984.

[FR Doc. 84-12611 Filed 5-7-84; 12:48 pm]

BILLING CODE 8010-01-M

6

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

TIME AND DATE: 8:00 a.m., May 19, 1984.

PLACE: Uniformed Services University of the Health Sciences, Room D3-001, 4301 Jones Bridge Road, Bethesda, Maryland 20814.

STATUS: Open.

MATTERS TO BE CONSIDERED:

8:00: Meeting—Board of Regents

(1) Approval of Minutes—February 27, 1984; (2) Faculty Appointments; (3) Report—Admissions; (4) Report—Associate Dean for Operations: Budget; (5) Report—President, USUHS: (a) Board of Regents Awards; (b) Graduation: (1) Recommendation of Fourth-Year Students, (2) Certification of Graduate Students, (3) Students Awards, (4) Caps and Gowns/Invitations; (c) Faculty; (d) Fiscal Year 1985 Faculty Compensation Plan; (e) F. Edward Hebert School of Medicine: (1) Dedication, (2) Board of Regents/Faculty/Student Retreat; (f) School of Allied Health Sciences; (g) Cafeteria; (h) Foreign Students; (i) Military Construction Program; (j) Administrative Reorganization—Code of Federal Regulations; (k) Henry M. Jackson Foundation for the Advancement of Military Medicine—Alumni Association Fund; (l) Board of Regents Nominees; (m) Public Information Program; (n) Informational Items; (6) Comments by the Chairman of the Board.

New Business.

SCHEDULED MEETINGS: September 10, 1984.

CONTACT PERSON FOR MORE INFORMATION: Donald L. Hagengruber, Executive Secretary of the Board of Regents, 202/295-3049.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

May 5, 1984.

[FR Doc. 84-12624 Filed 5-7-84; 8:45 am]

BILLING CODE 3810-01-M

federal register

Wednesday
May 9, 1984

Part II

Department of Energy

Federal Energy Regulatory Commission

NGPA Notices of Determination by Jurisdictional Agencies; Notices

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Vol. 1118]

NGPA Notices of Determination by Jurisdictional Agencies

Issued: May 2, 1984.

Note.—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83–50–000, 49 FR 7109–13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* **Federal Register.** Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, DC 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC 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 Road, Springfield, Virginia 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 res. on old OCS lease

Section 103: New onshore production well

Section 107–DP: 15,000 ft or deeper
107–GB: Geopressured brine
107–DV: Devonian shale
107–CS: Coal seam gas
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: Temporary pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1118

Issued May 2, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-AMOCO PRODUCTION CO				RECEIVED:	04/12/84	JA: LA			
8429036	84-0202	1705722002		103		HARANG R/A C #42 D RA SU B	VALENTINE	18.3	COLUMBIA GAS TRAN
8429022	84-0207	1701320519		103		LAWHON LAND CO #1 HOSS RB SUQQ	SAILES	365.0	LOUISIANA GAS PUR
-BASS ENTERPRISES PRODUCTION CO				RECEIVED:	04/12/84	JA: LA			
8429034	84-0199	1707523174		103		CBU #59 VUA	COX BAY	40.0	SOUTHERN NATURAL
-C & K PETROLEUM INC				RECEIVED:	04/12/84	JA: LA			
8429040	84-0166	1771120274		107-DP		STATE LEASE 8083 #3	COON POINT	0.0	AMERICAN PIPELINE
8429029	84-0167	1771120274		107-DP		STATE LEASE 8083 #3-D	COON POINT	0.0	AMERICAN PIPELINE
-CHEVRON U S A INC				RECEIVED:	04/12/84	JA: LA			
8429000	84-0146	1700121229		103		A KAHN #2 MT RA SUC	SOUTH BOSCO	900.0	TEXAS GAS TRANSMI
-COBRA OIL AND GAS CORPORATION				RECEIVED:	04/12/84	JA: LA			
8428992	84-0509	1702721048		103		ROBINSON #1 -ALT CV RA SUE	SUGAR CREEK	0.0	TEXAS EASTERN TRA
-CONOCO INC				RECEIVED:	04/12/84	JA: LA			
8429013	84-0215	1701920895		103		GA BAERGEN #1 VU AB	EAST MOSS LAKE	120.0	LOUISIANA GAS SYS
8428999	84-0145	1703920271		103		PIERRE MCDANIEL #7	VILLE PLATTE FIELD	100.0	LOUISIANA INTRAST
8428997	84-0142	1703920271		103		PIERRE MCDANIEL #7D	VILLE PLATTE FIELD	15.0	LOUISIANA INTRAST
-CRYSTAL OIL AND LAND COMPANY				RECEIVED:	04/12/84	JA: LA			
8429017	84-0232	1701724831		103		CADDO LEVEE BOARD "B" #1 SL1 RCSU12	CADDO PINE ISLAND	18.3	ARKANSAS LOUISIAN
8429008	84-0411	1701724654		103		CLEMENTS #8-ALT CV RA SU1	NORTH MISSIONARY LAKE	73.0	ARKANSAS LOUISIAN
-DARSEY OPERATING CORP				RECEIVED:	04/12/84	JA: LA			
8429038	84-0160	1709720712		103		ROSE MILLER #1 VUA	BOSCO	100.0	LOUISIANA INTRAST
-DELTA ENERGY RESOURCES INC				RECEIVED:	04/12/84	JA: LA			
8429012	84-0216	1701900000		103		LOUISIANA FARM & LIVESTOCK #5	EAST MOSS LAKE	0.0	LOUISIANA GAS SYS
8429018	84-0218	1701921214		103		LOUISIANA FARM & LIVESTOCK CO #7	EAST MOSS LAKE	0.0	LOUISIANA GAS SYS
-EXCHANGE OIL & GAS CORPORATION				RECEIVED:	04/12/84	JA: LA			
8429010	84-0463	1702321398		102-4		CAMERON MEADOWS LAND CO #60	CAMERON MEADOWS	0.0	COLUMBIA GAS TRAN
8428994	84-0467	1702321566		102-4		CAMERON MEADOWS LAND CO #62	CAMERON MEADOWS	80.0	COLUMBIA GAS TRAN
8428995	84-0466	1702321567		102-4		CAMERON MEADOWS LAND CO #66	CAMERON MEADOWS	7.2	UNITED GAS PIPE L
8429009	84-0465	1702321605		102-4		CAMERON MEADOWS LAND CO #70	CAMERON MEADOWS	7.2	UNITED GAS PIPE L
8429011	84-0464	1702321568		102-4		CAMERON MEADOWS LAND CO #72	CAMERON MEADOWS	7.2	COLUMBIA GAS TRAN
8429028	84-0468	1702321570		102-4		CAMERON MEADOWS LAND CO #74	CAMERON MEADOWS	7.2	UNITED GAS PIPE L
8428993	84-0469	1702321606		102-4		CAMERON MEADOWS LAND CO #76	CAMERON MEADOWS	0.0	UNITED GAS PIPE L
8429027	84-0462	1702321396		102-4		CAMERON MEADOWS LAND COMPANY #65	CAMERON MEADOWS	0.0	COLUMBIA GAS TRAN
-EXXON CORPORATION				RECEIVED:	04/12/84	JA: LA			
8428998	84-0144	1702321155		103		K B HANSZEN #19	CHALKLEY	500.0	TEXAS GAS TRANSMI
-FRANKS & BASS ETAL				RECEIVED:	04/12/84	JA: LA			
8429023	84-0206	1706120187		103		M C BABINEAUX #1 CV DAVIS RA SUD	UNIONVILLE	250.0	OLINKRAFT INC
-HADDOX PETROLEUM CORP				RECEIVED:	04/12/84	JA: LA			
8428991	84-0508	1711123793		103		MOBIL-IP #8	MONROE	18.3	MID LOUISIANA GAS
-J-O'B OPERATING CO				RECEIVED:	04/12/84	JA: LA			
8428989	84-0506	1703122085		103		J F FISHER A #1 SER #184539	BETHANY-LONGSTREET	180.0	TEXAS EASTERN TRA
-JEEMS BAYOU PRODUCTION CORP				RECEIVED:	04/12/84	JA: LA			
8429014	84-0214	1703122153		103		AVERITT #1	RED RIVER-BULL BAYOU	146.0	TEXAS EASTERN TRA
8429037	84-0204	1703122207		103		FAIR-LASSETT #4	RED RIVER-BULL BAYOU	219.0	TEXAS EASTERN TRA
8429026	84-0210	1703122171		103		RIEMER CALHOUN C #1	RED RIVER	233.0	TEXAS EASTERN TRA
-LIBERTY OIL & GAS CORP				RECEIVED:	04/12/84	JA: LA			

BILLING CODE 6717-01-M

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8428996	84-0141	1710720448		103		ANDERSON #1	BUCKHORN	13.3	LOCUST RIDGE GAS
-MICRON MINERALS CO				RECEIVED:	04/12/84	JA: LA			
8429033	84-0198	1705721372		103		J THIBODEAUX #1 10100 RA SUA	LAFOURCHE CROSSING	365.0	SHELL PIPELINE SE
-NELSON OIL & GAS INC				RECEIVED:	04/12/84	JA: LA			
8429025	84-0267	1711920424		103		J M MATTHEWS #1-D	SIBLEY	0.0	LOUISIANA GAS INT
-PETROFUNDS INC				RECEIVED:	04/12/84	JA: LA			
8429002	84-0150	1701320565		103		ALEXANDER #2 HOSS A SUK	SAILES	475.0	LOUISIANA GAS PUR
8429021	84-0209	1701320575		103		CON-CAN CO #H-2 HOSS B SUX	SAILES	129.0	LOUISIANA GAS PUR
-PLACID OIL COMPANY				RECEIVED:	04/12/84	JA: LA			
8429007	84-0308	1701320516		107-TF		BABERS #1 VUN	LUCKY	500.0	TEXAS EASTERN TRA
-SHELL OIL CO				RECEIVED:	04/12/84	JA: LA			
8429015	84-0213	1701921200		103		F HEYD #71	IOWA	7.0	UNITED GAS PIPE L
8429024	84-0205	1701921211		103		F HEYD #72	IOWA	20.0	UNITED GAS PIPE L
8429004	84-0152	1702120944		103		OLIN BROWN #9 HOSS RC SUB	VIXEN	400.0	MID-LOUISIANA GAS
-STONE PETROLEUM CORP				RECEIVED:	04/12/84	JA: LA			
8429030	84-0168	1711321301		107-DP		JOHN ALVIN RICHARD #1	NORTH PARCPERDUE	1825.0	TEXAS GAS TRANSMI
-STRIKER PETROLEUM CORP				RECEIVED:	04/12/84	JA: LA			
8429035	84-0200	1703920276		103		B R REED #1	BASILE	182.5	LOUISIANA GAS SYS
-STROUD PETROLEUM INC				RECEIVED:	04/12/84	JA: LA			
8429019	84-0211	1701725844		103		WOOLF EST #1	GREENWOOD-WASKOM	73.0	UNITED GAS PIPELI
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	04/12/84	JA: LA			
8429039	84-0162	1700320215		103		HOUSTON-KINDER-EDWARDS #1 VUA	KINDER	431.0	TRANSCONTINENTAL
8429005	84-0156	1703122080		103		PIKE HALL #4	RED RIVER BULL BAYOU	150.0	
-SUPERIOR OIL CO				RECEIVED:	04/12/84	JA: LA			
8429006	84-0158	1702321799		103		S L 344 #28	GRAND LAKE	300.0	TRUNKLINE GAS CO
8429020	84-0217	1702321895		103		S L 344 #29	GRAND LAKE	150.0	TRUNKLINE GAS CO
-TENNECO OIL COMPANY				RECEIVED:	04/12/84	JA: LA			
8429032	84-0130	1770520110		103		VERMILION BLOCK 28 (SL 8681) #2	VERMILION BLOCK 28/ST	1825.0	MONTEREY PIPELINE
-TEXACO INC				RECEIVED:	04/12/84	JA: LA			
8429031	84-0179	1710121308		103		J J HEBERT #7 BAL SU	BATEMAN LAKE	1830.0	KAISER ALUMINUM &
8429016	84-0212	1770720088		103		SL 340 MOUND POINT #66	MOUND POINT	1167.0	KAISER ALUMINUM &
-TEXAS CRUDE INC				RECEIVED:	04/12/84	JA: LA			
8428990	84-0507	1705700000		107-PE		WATERFORD B-#1	BULLY CAMP FIELD	109.5	SUGAR BOWL GAS CO
-TOCE OIL COMPANY INC				RECEIVED:	04/12/84	JA: LA			
8429003	84-0151	1707720297		103		LOTTIE LAND & DEV CO #4	LOTTIE	0.0	
-TRIGON EXPLORATION INC				RECEIVED:	04/12/84	JA: LA			
8429001	84-0149	1705520212		103		CHAPPUIS #1 HMSKRS C2 RA SUA	DUSON	407.0	SUGAR BOWL GAS CO

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OKLAHOMA CORPORATION COMMISSION

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-AMERADA HESS CORPORATION				RECEIVED:	04/12/84	JA: OK			
8429086	24449	3504321358		103		BARTENBACH UNIT #2	PUTNAM-MORROW	127.8	MICHIGAN WISCONSI
-ARG OIL & GAS CO				RECEIVED:	04/12/84	JA: OK			
8429083	25779	3514723140		102-2		GORDON #1	WILDCAT	72.0	MARION CORP
-CAYMAN EXPLORATION CORP				RECEIVED:	04/12/84	JA: OK			
8429091	27377	3507323220		103		ROTTGER #18-1	SOONER TREND	40.0	NORTHWEST CENTRAL
-CHANSE PETROLEUM CORPORATION				RECEIVED:	04/12/84	JA: OK			
8429105	27463	3503700000		103		DEEBA #3	DEEBA	12.0	KERR MCGEE CORP
8429106	27464	3503700000		103		DEEBA #4	DEEBA	11.0	KERR MCGEE CORP
-CLARK RESOURCES INC				RECEIVED:	04/12/84	JA: OK			
8429075	27470	3507323692		108		MARY JANE 28-1	SOONER TREND	4.0	PHILLIPS PETROLEU
-CLYDE M BECKER				RECEIVED:	04/12/84	JA: OK			
8429082	27277	3507100000		108		EGGERS #1		14.7	CITIES SERVICE OI
8429081	27280	3507100000		108		SEBOR #2		0.8	CITIES SERVICE OI
8429080	27281	3507100000		108		SHEIK #2		7.9	CITIES SERVICE OI
-CRAWLEY PETROLEUM CORPORATION				RECEIVED:	04/12/84	JA: OK			
8429093	27408	3532130500		103		BEVERLY #1	SOUTH MEDFORD	75.0	UNION TEXAS PETRO
-DEVON ENERGY CORP				RECEIVED:	04/12/84	JA: OK			
8429070	27478	3510322084		103		BAUER #1	POLO	31.0	ARCO OIL & GAS CO
8429069	27479	3510322111		103		CECIL-VICTOR #1	POLO	35.0	ARCO OIL & GAS CO
8429071	27477	3510322086		103		CRANK #1	POLO	43.0	ARCO OIL & GAS CO
8429072	27476	3510322016		103		SHIMANEK #1	POLO	14.6	ARCO OIL & GAS CO
8429068	27180	3510322062		103		TAUTFEST #1	POLO	25.6	ARCO OIL & GAS CO
-EARTH ENERGY RESOURCES INC				RECEIVED:	04/12/84	JA: OK			
8429087	25260	3511922084		102-4		OLTMANNS #1	LAKE BLACKWELL EAST	0.0	
-EL PASO NATURAL GAS COMPANY				RECEIVED:	04/12/84	JA: OK			
8429095	27422	3500935598		108		OREN D #1	ERICK SOUTH - BROWN D	24.0	EL PASO NATURAL G
8429088	22082	3500906807		108		STRIPLING #1	ERICK - SOUTH BROWN D	24.0	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED:	04/12/84	JA: OK			
8429107	25846	3514920370		102-2		ADOLPH JAVORSKY #1	BRAITHWAITE	199.0	
-FUNK EXPLORATION INC				RECEIVED:	04/12/84	JA: OK		325.0	
8429084	22260	3500722383		102-4		OLLENBERGER #1-36			
8429085	25280	3513921748		102-4	103	WESTFAHL #1	DOMBEY	12.0	NORTHWEST PIPELIN
-GETTY OIL COMPANY				RECEIVED:	04/12/84	JA: OK			
8429090	27370	3513700000		108		W W WOODWORTH #3	SHO-VEL-TUM	2.2	AMINOIL U S A INC
-GREEN OPERATING CO				RECEIVED:	04/12/84	JA: OK			
8429076	27433	3507320397		108		HOBBS 18-1	SOONER TREND	7.0	CITIES SERVICE OI
-HARPER OIL COMPANY				RECEIVED:	04/12/84	JA: OK			
8429074	27472	3504321835		103		MARY JOHNSON #1	WEST FONDA	50.0	PHILLIPS PETROLEU
-INVESTORS RESOURCES CORP				RECEIVED:	04/12/84	JA: OK			
8429089	27356	3500300000		103		HUNGERFORD #2B		0.0	UNION TEXAS PETRO
-KEITH F WALKER				RECEIVED:	04/12/84	JA: OK			
8429092	27403	3501922837		103		GALT-CHAMPION #1	OIL CITY	109.5	MOBIL OIL CORP
-MOBIL OIL CORP				RECEIVED:	04/12/84	JA: OK			
8429103	27458	3501900000		108		GRAHAM DEESE UNIT #12 FOX-SCHOOL #1	SHO VEL TUM	0.2	LONE STAR GAS CO
8429102	27457	3501900000		108		GRAHAM DEESE UNIT #16-1 HOLMAN A #1	SHO VEL TUM	0.1	LONE STAR GAS CO
-MORGAN & STEINERT INC				RECEIVED:	04/12/84	JA: OK			
8429100	27427	3504723503		103		HLADIK #1	SOONER TREND	75.0	EXXON CO USA
-P F BEELER				RECEIVED:	04/12/84	JA: OK			
8429109	26860	3500700000		108		P F BEELER BAXTER #1	MOCANE-LAVERNE	0.0	PANHANDLE EASTERN
-PALM-COOK PRODUCTION CO				RECEIVED:	04/12/84	JA: OK			
8429115	25597	3504723437		103		HOLLIDAY #8		0.0	UNION TEXAS PETRO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/12/84	JA: OK			
8429096	27423	3513900000		108		BEAVER #1	GUYMON HUGOTON	0.0	PANHANDLE EASTERN
-POGO PRODUCING COMPANY				RECEIVED:	04/12/84	JA: OK			
8429112	25630	3514920334		102-3		ROBERT KELLOGG #1-16	SE ELK CITY	55.0	
-RICHARD WHEELER JR				RECEIVED:	04/12/84	JA: OK			
8429094	27411	3504723542		103		SHANNON #1	E GARBER	0.0	ARCO OIL & GAS CO
-SAKET PETROLEUM CO				RECEIVED:	04/12/84	JA: OK			
8429078	27386	3511122582		108		BOGIE #1		35.0	PHILLIPS PETROLEU
-SOUTHERN OKLAHOMA PRODUCTION CO				RECEIVED:	04/12/84	JA: OK			
8429097	27424	3511122352		108		MILLER #1	BEGGS DISTRICT	0.0	PHILLIPS PETROLEU
8429098	27425	3511122660		108		MILLER #2	BEGGS DISTRICT	0.0	PHILLIPS PETROLEU
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	04/12/84	JA: OK			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8429104	27460	3505121467		103		NORGE MARCHAND #49-3	CHICKASHA N W	55.0	PUBLIC SERVICE CO
-TENNECO OIL COMPANY				RECEIVED:	04/12/84	JA: OK			
8429077	27429	3507323859		103		ANN FELDER #3-27	SOONER TREND	35.0	EXXON CORP USA
8429101	27449	3513720861		108		MABEL PAYNE "U" 2	SHO-VEL-TUM	4.0	AMINOIL USA INC
-TXO PRODUCTION CORP				RECEIVED:	04/12/84	JA: OK			
8429114	25602	3505321221		102-2	103	SULLIVAN "H" #2	NORTH VICAR	164.0	
-UNION OIL COMPANY OF CALIF				RECEIVED:	04/12/84	JA: OK			
8429108	27346	3501900000		108		H A PRUITT "B" #3	CADDO	15.0	UNION OIL CO OF C
-VIERSEN & COCHRAN				RECEIVED:	04/12/84	JA: OK			
8429073	27473	3504321823		103		BLANKA #1-34	WATONGA TREND	22.0	PHILLIPS PETROLEU
-WARD PETROLEUM CORP				RECEIVED:	04/12/84	JA: OK			
8429099	27426	3501121899		103		COMING UP #1		117.0	PHILLIPS PETROLEU
-WESTERN PACIFIC PETROLEUM INC.				RECEIVED:	04/12/84	JA: OK			
8429079	27380	3504723549		103		HOWELL #1-11	BROWN	0.0	
-WOODS PETROLEUM CORPORATION				RECEIVED:	04/12/84	JA: OK			
8429113	25634	3503920897		102-2		E E BAKER #5-1	WALTRIP	507.0	TRANSOK INC
8429111	25635	3512920972		102-2		HYMAN #36-1	SOURDOUGH CREEK	1828.0	TRANSWESTERN PIPE
8429110	25636	3503920859		102-2		JOHNSON #25-1	MCCLURE	511.0	ARKANSAS LOUISIAN
**********									
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
**********									
-ADOBE OIL & GAS CORPORATION				RECEIVED:	04/13/84	JA: PA			
8429117	22752	3706522843		103		DALE BURKETT "C" #1	VALIER "B"	23.0	T W PHILLIPS
8429116	22742	3706522857		103		T KAVOURAS "E" #1	PUNXSUTAWNEY "E"	19.0	CONSOLIDATED GAS
-BITTINGER - BARRETT LEASEHOLD				RECEIVED:	04/13/84	JA: PA			
8429118	22753	3700522890		103		DAVID C BRICE #1 - 100 A	WAYNE	20.0	
-DOC-NCC SERVICE CO				RECEIVED:	04/13/84	JA: PA			
8429119	20296	3712921823		108		W M ADAMS 877-2	E HUNTINGDON	0.0	TEXAS EASTERN TRA
-DORAN & ASSOCIATES INC				RECEIVED:	04/13/84	JA: PA			
8429122	21275	3703922001		103		GEORGE LONG UNIT #1 KV-60	SPARTA	30.0	COLUMBIA GAS TRAN
8429124	21277	3703922001		107-TF		GEORGE LONG UNIT #1 KV-60	SPARTA	30.0	COLUMBIA GAS TRAN
8429120	21273	3703922000		103		M HOCHSTETLER UNIT #1 KV-56	SPARTA	30.0	COLUMBIA GAS TRAN
8429123	21276	3703922000		107-TF		M HOCHSTETTLER UNIT #1 KV-56	SPARTA	30.0	COLUMBIA GAS TRAN
8429121	21274	3703922002		103		STEPHEN RASEY UNIT #1 KV-57	SPARTA	30.0	COLUMBIA GAS TRAN
8429125	21278	3703922002		107-TF		STEPHEN RASEY UNIT #1 KV-57	SPARTA	30.0	COLUMBIA GAS TRAN
-FELMONT OIL CORPORATION				RECEIVED:	04/13/84	JA: PA			
8429156	22751	3702120247		102-2		SPICHER GROMLEY #4 F-342	DRISCOLL HOLLOW FIELD	40.0	COLUMBIA GAS TRAN
-FOX OIL & GAS INC				RECEIVED:	04/13/84	JA: PA			
8429157	22523	3703321648		102-4		E BUTERBAUGH #4 #292	BURNSIDE TOWNSHIP	25.5	COLUMBIA GAS TRAN
8429158	22525	3703321650		102-4		E BUTERBAUGH #6 #293	BURNSIDE TOWNSHIP	25.5	COLUMBIA GAS TRAN
8429159	22757	3702120156		102-3		WM BUTERBAUGH #2 #272	SUSQUEHANNA TOWNSHIP	25.5	COLUMBIA GAS TRAN
-KRIEBEL WELLS #3				RECEIVED:	04/13/84	JA: PA			
8429160	22650	3706522847		103		ALFONSO #1	PUNXSUTAWNEY	28.0	
-MERIDIAN EXPLORATION CORP				RECEIVED:	04/13/84	JA: PA			
8429161	22677	3703922062		102-2		LUEBBERT FARMS #679-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8429163	22678	3703922062		107-TF		LUEBBERT FARMS #679-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8429162	22679	3703922044		102-2		PORTER UNIT #672-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8429164	22680	3703922044		107-TF		PORTER UNIT #672-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
-PETRO EVALUATION SERVICES INC				RECEIVED:	04/13/84	JA: PA			
8429165	21046	3704922521		107-TF		STOLL #1	EDINBORO	34.0	COLUMBIA GAS TRAN
-PHILLIPS PRODUCTION CO				RECEIVED:	04/13/84	JA: PA			
8429169	20666	3706325852		108		CHARLES PATTERSON ET AL #1	BLACKLICK	14.0	J & L SPECIALTY S
8429166	20657	3702120116		108		E V RUMMELL ET UX #1	SUSQUEHANNA	6.0	COLUMBIA GAS TRAN
8429168	20660	3706325585		108		FRANK J & JOHN A ARCHIBALD #1	BLACKLICK	7.0	J & L SPECIALTY S
8429171	20714	3706324437		108		HELEN R PELES #1	RAYNE	7.0	COLUMBIA GAS TRAN
8429167	20658	3706326267		108		MAUDE L PHIPPS ET AL #1	BLACKLICK	7.0	COLUMBIA GAS TRAN
8429170	20667	3706325854		108		RAYMOND SCHAFER ET UX #1	BLACKLICK	9.0	J & L SPECIALTY S
8429172	20717	3712921878		108		VIRGINIA WEIGEL #1	DERRY	14.0	J & L SPECIALTY S
-S H ELDER & CO				RECEIVED:	04/13/84	JA: PA			
8429138	22789	3708300000		108		#1571	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429130	22781	3708336028		108		CIOFFI FARM DS-5	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429131	22782	3708337755		108		CIOFFI FARM DS-6	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429126	22777	3708332010		108		DENNISON FARM DS-1	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429129	22780	3708335253		108		DENNISON FARM DS-4	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429153	22804	3708300000		108		HEINEMANN ESTATE #L COLEGROVE BROOK	HEINEMANN ESTATE	0.0	NORTH PENN GAS CO
8429155	22806	3708300000		108		HEINEMANN ESTATE #13A	HEINEMANN ESTATE	0.0	NORTH PENN GAS CO
8429148	22799	3708300000		108		HEINEMANN ESTATE #17A	HEINEMANN ESTATE	0.0	NORTH PENN GAS CO
8429154	22805	3708300000		108		HEINEMANN ESTATE #22	HEINEMANN ESTATE	0.0	NORTH PENN GAS CO
8429150	22801	3708300000		108		HEINEMANN ESTATE #23	HEINEMANN ESTATE	0.0	NORTH PENN GAS CO
8429147	22798	3708300000		108		HEINEMANN ESTATE #23A	HEINEMANN ESTATE	0.0	NORTH PENN GAS CO
8429149	22800	3708300000		108		HEINEMANN ESTATE #24	HEINEMANN ESTATE	0.0	NORTH PENN GAS CO
8429151	22802	3708300000		108		HEINEMANN ESTATE #25	HEINEMANN ESTATE	0.0	NORTH PENN GAS CO
8429152	22803	3708300000		108		HEINEMANN ESTATE #31A	HEINEMANN ESTATE	0.0	NORTH PENN GAS CO
8429146	22797	3708300000		108		LENA HERZOG #1590	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429136	22787	3708300000		108		M J GALLUP #1569	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429137	22788	3708300000		108		M J GALLUP #1570	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429133	22784	3708300000		108		MARS CO #1524	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429132	22783	3708300000		108		MARS COMPANY #1522	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429135	22786	3708300000		108		MARS COMPANY #1525	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429134	22785	3708300000		108		MARS COMPANY #1532	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429139	22790	3708300000		108		MARS COMPANY #1533	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429140	22791	3708300000		108		MARS COMPANY #1536	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429142	22793	3708300000		108		MARS COMPANY #1538	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429144	22795	3708300000		108		MARS COMPANY #1541	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429145	22796	3708300000		108		MARS COMPANY #1542	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429141	22792	3708300000		108		MARS COMPANY #1555	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429143	22794	3708300000		108		M W HEINEMANN ESTATE #1579	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429127	22778	3708332727		108		ROWLEY FARM DS-2	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
8429128	22779	3708333541		108		ROWLEY FARM DS-3	STRAIGHT LEASE	0.0	NORTH PENN GAS CO
-SNYDER BROTHERS INC				RECEIVED:	04/13/84	JA: PA			
8429173	22644	3706522861		103		CARL O BISHOP #1	BELL	5.0	T W PHILLIPS GAS
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WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ADKINS OHLEN				RECEIVED:	04/12/84	JA: WV			
8429050		4709901781		103		OPAL STROGOLIS #4	STONEWALL DISTRICT	73.0	COLUMBIA GAS TRAN
-DEVON CORP				RECEIVED:	04/12/84	JA: WV			
8429067		4709901806		107-DV		V FOWLER #1	ELIJAH CREEK	7.2	TENNESSEE GAS PIP
-GERALD D JONES				RECEIVED:	04/12/84	JA: WV			
8429065		4701300743		107-DV		STARCHER #1	WASHINGTON	0.0	
-HARDEE PETROLEUM CO				RECEIVED:	04/12/84	JA: WV			
8429049		4701502118		108		ELK RIVER LUMBER CO #10	PLEASANT	0.6	CONSOLIDATED GAS
-HYDROCARBON INVESTMENTS				RECEIVED:	04/12/84	JA: WV			
8429053		4710721290		103		PICKERING #1	HARRIS	10.0	GAS TRANSPORT INC

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-MID-AMERICA PETROLEUM INC				RECEIVED:	04/12/84	JA: WV
8429052		4708506744		103		DAVIS (TOOTLE #1)
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	04/12/84	JA: WV
8429051		4701703057		103		WM CAIN #1
-RIDGEWOOD RESOURCES INC				RECEIVED:	04/12/84	JA: WV
8429066		4707301620		107-DV		CORA DELONG #1
-ROSS-WHARTON GAS CO				RECEIVED:	04/12/84	JA: WV
8429057		4708506348		107-DV		SMITH #1
-STERLING DRILLING AND PROD CO INC				RECEIVED:	04/12/84	JA: WV
8429060		4710501084		107-DV		JOYCE #11
8429059		4701303636		107-DV		READING #808
8429058		4701303635		107-DV		WALLBROWN #801
8429054		4701303618		107-DV		WHYTSELL #804
-SWIFT ENERGY CO				RECEIVED:	04/12/84	JA: WV
8429056		4709100366		107-DV		B POLING #1
8429055		4709100362		107-DV		C PETERS #1
8429064		4709100360		107-DV		P DAVIS #1
8429063		4709100361		107-DV		R HAGEDORN #1
8429061		4709100322		107-DV		R MAYLE #1
8429062		4709100257		107-DV		W KIGER #1
-UNITED PETRO LTD				RECEIVED:	04/12/84	JA: WV
8429048		4701303332		108		EUGENE DALE #1
**********						
** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ALEXANDRIA, VA						
**********						
-GETTY OIL COMPANY				RECEIVED:	04/12/84	JA: AR A
8429043	AR-017-83	0313110262		103		U S A #17-1
8429044	AR-018-83	0313110264		103		U S A #22-1
8429045	AR-020-83	0313110269		103		U S A 12-1
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	04/12/84	JA: AR A
8429046	AR016-83	0313110258		102-4 103		U S A 2-18
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	04/12/84	JA: AR A
8429041	AR-015-83	0313110265		103		FORT CHAFFEE #21-1
-BLUE VALLEY PETROLEUM INC				RECEIVED:	04/12/84	JA: MS A
8429047	MS-028-83	2308720059		102-4		C A F B 25-2
-BEREA OIL AND GAS CORPORATION				RECEIVED:	04/12/84	JA: WV A
8429042	WV-030-83	4709320064		102-2		BEREA FEDERAL #1-A

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FIELD NAME	PROD	PURCHASER
UNION DISTRICT	0.0	CABOT CORP
LONG RUN	165.0	CONSOLIDATED GAS
JEFFERSON	0.0	CONSOLIDATED GAS
CAIRO RITCHIE MINE -	20.0	CONSOLIDATED GAS
BURNING SPRINGS DISTR	14.0	
LEE DISTRICT	11.0	
LEE DISTRICT	8.0	
LEE DISTRICT	10.0	
FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
MINNORA GAS	18.0	CONSOLIDATED GAS
EWING	292.0	ARKANSAS LOUISIAN
BONANZA	329.0	ARKANSAS LOUISIAN
EWING	200.0	ARKANSAS LOUISIAN
KIBLER-WILLIAMS (FEDE	175.0	ARKANSAS LOUISIAN
BONANZA (SPIRO)	352.0	
CORRINE FIELD	730.0	FLORIDA GAS TRANS
WILDCAT	20.0	

[FR Doc. 84-12414 Filed 5-8-84; 8:45 am]

BILLING CODE 6717-01-C

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NGPA Notices of Determination by Jurisdictional Agencies

Issued: May 2, 1984.

Note.—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83–50–000, 49 FR 7109–13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* Federal Register. Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, DC 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC 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 Road, Springfield, Virginia 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 (1,000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New res. on old OCS lease

Section 103: New onshore production well

Section 107–DP: 15,000 ft or deeper
- 107–GB: Geopressured brine
- 107–DV: Devonian shale
- 107–CS: Coal seam gas
- 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: Temporary pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1119

Issued May 2, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-AAA OPERATING CO INC				RECEIVED:	04/13/84	JA: TX			
8429335	F-03-079727	4247730520		102-4		LINDY "E" - 5	MELINDA	55.0	PHILLIPS PETROLEU
-ADOBE OIL & GAS CORPORATION				RECEIVED:	04/13/84	JA: TX			
8429299	F-08-079168	4231732859		103		BESSIE SMITH #2	SPRABERRY (TREND AREA	9.0	NORTHERN NATURAL
-ALL AM INC				RECEIVED:	04/13/84	JA: TX			
8429247	F-03-077652	4205132596		102-3		ANADEL GRAVES #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-AMOCO PRODUCTION CO				RECEIVED:	04/13/84	JA: TX			
8429379	F-8A-080305	4227930264		103		ANTON IRISH CLEARFORK UNIT #465	ANTON IRISH	6.0	WESTAR TRANSMISSI
8429380	F-8A-080306	4221934032		103		CENTRAL MALLET UNIT #329	SLAUGHTER	28.0	AMOCO PRODUCTION
8429381	F-8A-080307	4221934083		103		CENTRAL MALLET UNIT #330	SLAUGHTER	62.0	AMOCO PRODUCTION
8429352	F-04-080104	4247933480		102-4	107-TF	KILLAM-HURD-AMOCO /F/ #1	LAKE CASA BLANCA (HIR	183.0	LONE STAR GAS CO
8429353	F-04-080105	4247933485		102-4	107-TF	KILLAM-HURD-AMOCO /H/ #1	CASA VERDE (HIRSCH LO	365.0	LONE STAR GAS CO
8429354	F-04-080106	4247933545		102-4	107-TF	KILLAM-HURD-AMOCO /J/ #1	LAKE CASA BLANCA (CLA	365.0	LONE STAR GAS CO
8429316	F-02-079334	4239130584		103		MARY ELLEN OCONNOR #45	MARY ELLEN OCONNOR (D	11.0	LA ROSA CORP
8429326	F-03-079591	4224531716		103		W P MCCORMACK #15	BEAUMONT WEST	0.0	AMOCO GAS CO
-APEX PETROLEUM INC				RECEIVED:	04/13/84	JA: TX			
8429212	F-7B-074527	4208333434		102-4		JOHN E WOLF #18 (19329)	WOLF (SERRATT LOWER)	0.0	EL PASO HYDROCARB
-ARLEDGE TERRY				RECEIVED:	04/13/84	JA: TX			
8429220	F-03-075782	4204100000		102-2		BUTLER #1	KURTEN (BUDA) FIELD	100.0	FERGUSON CROSSING
-B & B DRILLING CO				RECEIVED:	04/13/84	JA: TX			
8429281	F-03-078763	4228731424		102-4		SPITZENBERGER #1 - SN/16971	HOOKER CREEK (NAVARRO	3.0	CLAJON GAS CO
-B & N PETROLEUM INC				RECEIVED:	04/13/84	JA: TX			
8429278	F-06-078711	4240131772		103	107-TF	BUFORD & BLOW #4	OAK HILL S (COTTON VA	360.0	TEXAS EASTERN TRA
8429323	F-06-079441	4218330589		103	107-TF	KILLINGSWORTH #1	WILLOW SPRINGS (COTTO	360.0	WESTERN GAS CORP
-BASIN OPERATING CO LTD				RECEIVED:	04/13/84	JA: TX			
8429188	F-06-070565	4242300000		102-4		MCMINN #1	TYLER SOUTH (TRAVIS P	1353.4	
-BAY ROCK CORPORATION				RECEIVED:	04/13/84	JA: TX			
8429349	F-02-080053	4239131654		102-4		J R BARRY ESTATE #1	BONNIE VIEW S (8130 F	0.0	CHANNEL INDUSTRIE
-BEST PETROLEUM EXPLORATION INC				RECEIVED:	04/13/84	JA: TX			
8429329	F-09-079625	4223735662		103		SPILLER #1 (23917)	DEARING (STRAWN)	11.0	LONE STAR GAS CO
-BTA OIL PRODUCERS				RECEIVED:	04/13/84	JA: TX			
8429331	F-7C-079661	4238332415		103		BARKLEY #2	SPRABERRY (TREND AREA	28.0	EL PASO NATURAL G
8429346	F-08-079895	4231732887		103		MUSTANG 'D' #13 7422 JV-S	LACAFF (WOLFCAMP)	19.0	PHILLIPS PETROLEU
-BURK ROYALTY CO				RECEIVED:	04/13/84	JA: TX			
8429287	F-09-078896	4223735555		103		J E MYERS #1	CATLIN SW (ATOKA)	0.0	CITIES SERVICE CO
8429286	F-09-078895	4223735552		103		L M SCHNEIDER #1	CATLIN SW (ATOKA)	0.0	CITIES SERVICE CO
8429342	F-09-079786	4248731304		103		PEARSON #1	WILBARGER COUNTY REGU	0.0	KIBO COMPRESSOR C
-CAN-TEX ENERGY CORP				RECEIVED:	04/13/84	JA: TX			
8429276	F-06-078693	4242330567		103		A M HEY #2 1-212-10724-5	ANN MCKNIGHT (PALUXY	0.0	LONE STAR GAS CO
-CEDAR OIL CO				RECEIVED:	04/13/84	JA: TX			
8429280	F-7B-078747	4208300000		103		GARY M VAUGHN #1	COLEMAN COUNTY REGULA	32.0	UNION TEXAS PETRO
-CENERGY EXPLORATION CO				RECEIVED:	04/13/84	JA: TX			
8429207	F-06-073515	4200100000		103		MITCHELL #1	BLACKFOOT N	0.0	ESPERANZA PIPELIN
-CENTRAL PLAINS OIL & GAS CORP				RECEIVED:	04/13/84	JA: TX			
8429397	F-03-080343	4205132554		102-4		CLYDE PERRY #1 (17220)	HOOKER CREEK (NAVARRO	0.0	PHILLIPS PETROLEU
8429400	F-03-080346	4205132478		102-4		LEACHMAN YEGUA #1 (16821)	HOOKER CREEK (NAVARRO	0.0	PHILLIPS PETROLEU

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8429399	F-03-080345	4205132624		102-4		LEACHMAN YEGUA #2A (17215)	HOOKER CREEK (NAVARRO	0.0	PHILLIPS PETROLEU
8429398	F-03-080344	4205132590		102-4		LEACHMAN YEGUA #3 (17215)	HOOKER CREEK (NAVARRO	0.0	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	04/13/84	JA: TX			
8429245	F-03-077580	4204131043		102-2		J A SCOTT #1	KURTEN (BUDA)	55.8	FERGUSON CROSSING
-CHAPTER PETROLEUM				RECEIVED:	04/13/84	JA: TX			
8429213	F-10-074531	4217900000		103		BULL #2	PANHANDLE - GRAY	0.0	COLTEXO CORP
-CHASE PRODUCTION CO				RECEIVED:	04/13/84	JA: TX			
8429426	F-10-080467	4217900000		103		BYRUM "B" #1 RRC-00575	PANHANDLE	0.0	GETTY OIL CO
8429427	F-10-080468	4217900000		103		BYRUM "B" #2 RRC-00575	PANHANDLE	0.0	GETTY OIL CO
-CHESTER R UPHAM JR				RECEIVED:	04/13/84	JA: TX			
8429189	F-7B-070777	4236300000		103		ABBOTT #1	CALABRIA (CONGL 3800)	0.0	SOUTHWESTERN GAS
-CHEVRON U S A INC				RECEIVED:	04/13/84	JA: TX			
8429378	F-09-080300	4209732460		103		NOLAN BAUGH #3	SIVELLS BEND	9.5	SIVELLS GAS LTD
-CITIES SERVICE OIL & GAS CORP				RECEIVED:	04/13/84	JA: TX			
8429382	F-08-080310	4213534297		103		WEST GOLDSMITH UNIT #2005	GOLDSMITH WEST (CLEAR	54.0	PHILLIPS PETROLEU
-CLAYTON W WILLIAMS JR				RECEIVED:	04/13/84	JA: TX			
8429240	F-03-077095	4214931512		102-2		ELSA WEISHUHN #1	GIDDINGS AUSTIN CHALK	0.0	VALERO TRANSMISSI
-CONE & PEIREE OIL & GAS EXPL INC				RECEIVED:	04/13/84	JA: TX			
8429395	F-08-080334	4200333938		103		LIMPIA #3	FUHRMAN-MASCHO	36.5	PHILLIPS PETROLEU
-CONOCO INC				RECEIVED:	04/13/84	JA: TX			
8429359	F-01-080241	4232332046		103		N J CHITTIM #6559	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8429360	F-01-080242	4232332045		103		N J CHITTIM #6560	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8429361	F-01-080243	4232332044		103		N J CHITTIM #6561	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8429362	F-01-080244	4232332042		103		N J CHITTIM #6563	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8429363	F-01-080245	4232332041		103		N J CHITTIM #6564	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8429364	F-01-080246	4232332156		103		N J CHITTIM #6565	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8429365	F-01-080247	4232332116		103		N J CHITTIM #6944	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
-CORPUS CHRISTI OIL AND GAS CO				RECEIVED:	04/13/84	JA: TX			
8429239	F-04-077081	4260330198		102-4		STATE TRACT 833-S WELL #1	CLEAR SOUTH (FRIO 940	0.0	CHANNEL INDUSTRIE
-CORUM PRODUCTION CO				RECEIVED:	04/13/84	JA: TX			
8429282	F-01-078831	4228300000		102-4		GEORGE LIGHT III #3 WELL	ATLEE (OLMOS)	84.0	HOUSTON PIPELINE
-COTTON PETROLEUM CORPORATION				RECEIVED:	04/13/84	JA: TX			
8429296	F-10-079131	4229531384		102-4		FRY #1	PUNDT	0.0	NORTHERN NATURAL
8429393	F-10-080330	4229530679		108		WEINETTE #1	KIOWA CREEK	0.0	UNITED GAS PIPELI
-CROWN CENTRAL PETROLEUM CORP				RECEIVED:	04/13/84	JA: TX			
8429179	F-09-058627	4249700000		108-ER		J D MATZINGER #1	BOONSVILLE	0.0	SOUTHWESTERN GAS
-CRYSTAL OIL AND LAND COMPANY				RECEIVED:	04/13/84	JA: TX			
8429243	F-06-077473	4206730446		102-4		GIPSON #1	RODESSA	180.0	BRECKENRIDGE GASO
-D & J OPERATING INC				RECEIVED:	04/13/84	JA: TX			
8429297	F-7C-079138	4239932482		102-4		PAUL PRUITT "A" #2-A	JANSA (GARDNER)	7.0	UNION TEXAS PETRO
-DAVIS OIL COMPANY				RECEIVED:	04/13/84	JA: TX			
8429320	F-02-079393	4217531755		103		CARL T HESTER #1	WILDCAT	0.0	TEXAS EASTERN TRA
-DIAMOND SHAMROCK EXPLORATION CO				RECEIVED:	04/13/84	JA: TX			
8429294	F-8A-079128	4221933173		102-2		C D FIELDING #2-17	HAMILTON	0.0	
8429292	F-8A-079126	4230330614		102-2		DR LESTER A ANDERSON #1-17	EDMISSION NW	0.0	
8429293	F-8A-079127	4230330671		102-2		DR LESTER A ANDERSON "A" #2-17	EDMISSION NW	0.0	
8429295	F-8A-079129	4221933149		102-2		ELSIE B MAGEE #1	HAMILTON	0.0	
8429273	F-10-078640	4235713409		103		MCGARRAUGH-EDWARDS "A" #5-140	LONE BUTTE	0.0	
8429274	F-10-078641	4221131445		103		VERA M MURRAY 18 #7	HIGGINS WEST	0.0	
-DINERO OIL CO				RECEIVED:	04/13/84	JA: TX			
8429374	F-01-080276	4250731923		102-4		VON ROSENBERG #1 (RRC ID 105706)	VON ROSENBERG (MIDDLE	109.5	ENJET INC
-DJS ENERGY CORP				RECEIVED:	04/13/84	JA: TX			
8429309	F-7C-079285	4210534460		103	107-TF	LADD CARSON 47 #1	OZONA (CANYON SAND)	73.0	AMERICAN PIPELINE
-DONALD W JACKSON				RECEIVED:	04/13/84	JA: TX			
8429174	F-10-024590	4206500000		108-ER		BIGGS HOLCOMB #1	PANHANDLE WEST	0.0	GETTY OIL CO
8429178	F-10-057298	4206500000		108-ER		BURNETT ESTATE 107 #1	PANHANDLE	0.0	PHILLIPS PETROLEU
-DORCHESTER EXPLORATION INC				RECEIVED:	04/13/84	JA: TX			
8429334	F-08-079709	4243131415		103		FOSTER CONGER 5-2A	CONGER (PENN)	83.0	TEXAS UTILITIES F
-EDWIN L COX				RECEIVED:	04/13/84	JA: TX			
8429195	F-8A-072808	4216900000		102-4		HUNTLEY #1-S	HUNTLEY	3.6	MIDPLAINS PIPELIN
-ENRE CORP				RECEIVED:	04/13/84	JA: TX			
8429388	F-7B-080318	4213335121		102-4		MITCHAM ESTATE "H" #11 (18195)	D R S (CONGL)	9.0	BENGAL GAS TRANSM
8429389	F-7B-080319	4213335061		102-4		MITCHAM ESTATE "H" #9 (18195)	D R S (CONGL)	7.0	BENGAL GAS TRANSM
8429384	F-09-080314	4250337724		103		NAN D ORD #4 (22698)	STOVALL (MCLESTER)	5.0	BENGAL GAS TRANSM
8429385	F-7B-080315	4213335328		102-4		ROY PIPPEN #10 (19112)	D R S SE (CONGL)	4.0	BENGAL GAS TRANSM
8429387	F-7B-080317	4213335134		102-4		ROY PIPPEN #7 (19112)	D R S SE (CONGL)	14.0	BENGAL GAS TRANSM
8429386	F-7B-080316	4213335330		102-4		ROY PIPPEN #8 (19112)	D R S SE (CONGL)	7.0	BENGAL GAS TRANSM
-ENSERCH EXPLORATION INC				RECEIVED:	04/13/84	JA: TX			
8429249	F-7B-077726	4244733877		103		POLK COUNTY SCHOOL LAND 29 #2	WILDCAT	0.0	
-ESENJAY PETROLEUM CORP				RECEIVED:	04/13/84	JA: TX			
8429246	F-04-077609	4224931658		102-4	103	E SCHACHERL #1	QUINTO CREEK (4455)	20.0	SOUTHERN GAS PIPE
-EXCELSIOR OIL CORP				RECEIVED:	04/13/84	JA: TX			
8429225	F-06-076068	4218300000		102-4		E E STONE #1	WILLOW SPRINGS (TRAVI	180.0	WESTERN GAS CORP
-EXXON CORPORATION				RECEIVED:	04/13/84	JA: TX			
8429314	F-03-079305	4207131472		103		BROUSSARD-HEBERT A/C 1 #38	ANAHUAC (FB A-2 FRIO	345.0	HOUSTON PIPELINE
8429409	F-03-080382	4233930622		103		CONROE FIELD UNIT #3208	CONROE	350.0	MORAN UTILITIES C
8429358	F-03-080226	4205132579		102-2		COOKS POINT UNIT 3 #2	GIDDINGS (AUSTIN CHAL	28.0	FERGUSON CROSSING
8429410	F-08-080363	4249931223		103		HAWKINS FIELD UNIT #1219	HAWKINS	64.0	
8429351	F-01-080094	4231100000		108		J C DILWORTH JR 3 (000157)	DILWORTH (EDWARDS LIM	14.0	TRANSCONTINENTAL
8429230	F-06-076732	4245930576		103	107-TF	JAMES JACKSON GAS UNIT WELL #2	GILMER (JURASSIC)	31.0	DELHI GAS PIPELIN
8429338	F-04-079766	4204731301		103		MCGILL BROS 500-D (013713)	KELSEY DEEP (ZONE 21)	100.0	TRUNKLINE GAS CO
8429404	F-04-080370	4226130756		103		MRS S K EAST 142 (10224)	RITA (12-E)	24.0	NATURAL GAS PIPEL
8429315	F-03-079333	4207131428		103		RED FISH REEF F-4 SAND UNIT #1 #191	RED FISH REEF (F-4)	335.0	HOUSTON PIPELINE
8429302	F-8A-079234	4216532537		103		ROBERTSON CLEARFORK UNIT #1151	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8429303	F-8A-079235	4216532534		103		ROBERTSON CLEARFORK UNIT 3601	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8429319	F-03-079392	4236130458		102-4		SABINE LAKE GAS UNIT 3 #2	SABINE LAKE N (HACK L	3500.0	ARMCO STEEL CORP
8429270	F-04-078554	4226130601		103		SARITA FIELD OIL & GAS 159-F 108662	SARITA (1-B)	327.0	NATURAL GAS PIPEL
8429350	F-04-080093	4226100000		108		SARITA FIELD OIL & GAS 16 054365	SARITA (8-C E)	7.0	NATURAL GAS PIPEL
-FAIR OIL CO				RECEIVED:	04/13/84	JA: TX			
8429312	F-06-079302	4200131440		102-4		BOB COLEMAN #1 (11212)	TENNESSEE COLONY S W	155.0	LONE STAR GAS CO
8429311	F-06-079300	4200131453		102-4		H S DAVENPORT ET AL #1 (11211)	TENNESSEE COLONY S W	56.0	LONE STAR GAS CO
8429313	F-06-079303	4200131425		102-4		LEVI SHEAD #1 (11076)	TENNESSEE COLONY S W	70.0	LONE STAR GAS CO
-FARGO ENERGY CORP				RECEIVED:	04/13/84	JA: TX			
8429228	F-03-076220	4214931597		102-2		RUTH CHERRY #1	GIDDINGS (AUSTIN CHAL	73.0	PHILLIPS PETROLEU
-FEAGAN ENERGY INC				RECEIVED:	04/13/84	JA: TX			
8429317	F-7B-079365	4235331555		103		FIVE G'S SECTION 63-1	J & J (CADDO)	0.0	PALO DURO PIPELIN
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED:	04/13/84	JA: TX			
8429290	F-06-079098	4200130906		102-4		LARDE #1 - S/N 10146	BOIS D'ARC (RODESSA)	90.0	ESPERANZA PIPELIN
8429291	F-06-079099	4200100000		102-4		LARDE #2 - S/N 10146	BOIS D'ARC (RODESSA)	0.0	ESPERANZA PIPELIN
-FOREST OIL CORPORATION				RECEIVED:	04/13/84	JA: TX			
8429327	F-04-079593	4247932558		107-TF		RUSSELL-WINCH #1	MUJERES CREEK (LOBO 3	80.0	UNITED TEXAS TRAN
-FOUR C'S OIL CO				RECEIVED:	04/13/84	JA: TX			
8429298	F-10-079142	4206531617		103		BERREY #1 (ID#)	PANHANDLE CARSON	40.0	KERR-MCGEE CORP
-FROST ENERGY CO				RECEIVED:	04/13/84	JA: TX			

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JD NO	DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8429289	F-04-079049	4242700000		102-4	103	M J RODRIGUEZ #2 ID #108175	N RANCHERIAS (YEGUA U	100.0	
-G S I INC				RECEIVED:		04/13/84 JA: TX			
8429241	F-03-077189	4204100000		102-2		A P WEHMEYER #3 (16729)	KURTEN (BUDA) FIELD	250.0	FERGUSON CROSSING
-GEOSOUTHERN ENERGY CORP				RECEIVED:		04/13/84 JA: TX			
8429219	F-03-075711	4214900000		102-2	103	KAY #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
8429185	F-03-067193	4214900000		102-2	103	SHANA #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
-GETTY OIL COMPANY				RECEIVED:		04/13/84 JA: TX			
8429321	F-08-079425	4210333289		103		NORTH MCELROY UT #3961-F #20377	MCELROY	1.0	PHILLIPS PETROLEU
-GOOD DAY ENERGY INC				RECEIVED:		04/13/84 JA: TX			
8429275	F-02-078683	4202531078		102-4		RIGGLE-WENDTLAND #2 ID # PENDING	WILDCAT - PROPOSED RI	70.0	VALERO TRANSMISSI
-GULF OIL CORPORATION				RECEIVED:		04/13/84 JA: TX			
8429232	F-09-076909	4218130816		108		F M HEFTON #1	SOUTHMAYD NE (DAVIS L	0.0	LONE STAR GAS CO
-H & S OPERATING INC				RECEIVED:		04/13/84 JA: TX			
8429226	F-06-076096	4218330575		103		G W CULVER "A" #1-L	WILLOW SPRINGS (TRAVI	180.0	WESTERN GAS CORP
-HALVEY ENERGY CO				RECEIVED:		04/13/84 JA: TX			
8429402	F-7C-080356	4243100000		103		MUNN #5	JAMESON (STRAWN)	64.0	SUN GAS CO
-HNG OIL COMPANY				RECEIVED:		04/13/84 JA: TX			
8429257	F-7C-077971	4243500000		103	107-TF	VANDERSTUCKEN "72" #6	SAWYER (CANYON)	0.0	INTRATEX GAS CO
-HOWELL DRILLING INC				RECEIVED:		04/13/84 JA: TX			
8429234	F-02-076993	4228531738		103	107-TF	GOLSCH-EDWARDS GAS UNIT #3	WORD M	0.0	TEXAS EASTERN PIP
-HRUBETZ OIL CO				RECEIVED:		04/13/84 JA: TX			
8429251	F-7B-077757	4208333838		102-4		RAY L PARKER #1	LAKE NOVICE (GARDNER)	1241.0	UNION TEXAS PETRO
-HUDSON RESOURCES				RECEIVED:		04/13/84 JA: TX			
8429403	F-08-080368	4222700000		103		WOLF #1	VINCENT N (PENNSYLVAN	23.4	GETTY OIL CO
-HUFO PRODUCTION CORP				RECEIVED:		04/13/84 JA: TX			
8429176	F-10-056161	4236100000		103		BRENT 63-2	BRENT (PANHANDLE MOOR	0.0	PANHANDLE EASTERN
-HUSKY OIL COMPANY				RECEIVED:		04/13/84 JA: TX			
8429191	F-7C-070882	4209530625		102-2		G WHITEHEAD #4	SOUTH BRANCH (CROSSCU	182.5	CIBOLO GAS INC
8429190	F-7C-070879	4209530628		102-2		G WHITEHEAD #7	SOUTH BRANCH (CROSSCU	182.5	CIBOLO GAS INC
-J B GARDNER				RECEIVED:		04/13/84 JA: TX			
8429304	F-04-079247	4240900000		102-4		RAYMUNDO GAITAN #1 ID NO 107181	MATHIS N (3900)	73.0	GULF STATES EQUIT
-J CLEO THOMPSON				RECEIVED:		04/13/84 JA: TX			
8429252	F-7C-077759	4210533088		103	107-TF	UNIVERSITY 32-2 #1	OZONA (CANYON SAND)	300.0	PRODUCERS GAS CO
-J R PARTEN				RECEIVED:		04/13/84 JA: TX			
8429279	F-03-078729	4222530309		102-4		FARMERS OIL CO #2	FT TRINIDAD W (GLEN R	730.0	MADISON PIPE LINE
-JOE B BARRETT				RECEIVED:		04/13/84 JA: TX			
8429261	F-7B-078448	4208333858		102-4		DAVID LEWIS #3A (108780)	JOPA (CROSSCUT)	7.0	EL PASO HYDROCARB
-KEITH-STEVENS RESOURCES INC				RECEIVED:		04/13/84 JA: TX			
8429406	F-09-080372	4250335034		103		DEWITT MCCLATCHEY #3-A	JEAN N W (CADDO)	18.0	GAS ASSOCIATED SY
8429407	F-09-080373	4250336524		103		DEWITT MCCLATCHEY #4-A	JEAN N W (CADDO)	20.0	GAS ASSOCIATED SY
-KERR-MCGEE CORPORATION				RECEIVED:		04/13/84 JA: TX			
8429392	F-10-080329	4223330802		108		COCKRELL #21	PANHANDLE (HUTCHINSON	1.7	GETTY OIL CO
-L & L PETROLEUM CORPORATION				RECEIVED:		04/13/84 JA: TX			
8429347	F-04-079901	4224731508		103		C W HELLEN #1	DRAPER (3500')	90.0	AMERICAN PIPELINE
-MALONEY C C				RECEIVED:		04/13/84 JA: TX			
8429411	F-8A-080388	4216500000		108		NORTHRUP-LINDSEY #1	G-M-K (YATES)	10.0	WESTAR TRANSMISSI
-MARALO INC				RECEIVED:		04/13/84 JA: TX			
8429258	F-08-077997	4238931347		102-2	103	TEXACO INC "ATA" #1	S W SAN MARTINE (WOLF	745.0	
-MARSHALL EXPLORATION INC				RECEIVED:		04/13/84 JA: TX			
8429244	F-06-077554	4200131482		102-4	103	ELROD "A" #2	PURT W (RODESSA 10200	100.0	ESPERANZA PIPELIN
8429194	F-03-071401	4222530471		103		HOUSTON-CHANDLER #1	FT TRINIDAD EAST (GLE	110.0	SOUTH TEXAS GATHE
8429333	F-03-079697	4231330485		102-4	103	M Y VICK #10	MADISONVILLE NE (GEOR	200.0	LONE STAR GAS CO
-MAY PETROLEUM INC				RECEIVED:		04/13/84 JA: TX			
8429306	F-10-079258	4229531418		102-4		REDELSPERGER #1	BROWN (TONKAWA)	182.5	
-MAYCO OIL				RECEIVED:		04/13/84 JA: TX			
8429250	F-09-077754	4207733050		102-4		LUMPKIN #1 RRC I D #23602	TALLY (CONGL)	474.0	TUFCO
-MCGOLDRICK OIL COMPANY				RECEIVED:		04/13/84 JA: TX			
8429337	F-06-079765	4236531557		103		PITTS #1	BECKVILLE WEST (TRAVI	63.1	UNITED GAS PIPELI
-MESA PETROLEUM CO				RECEIVED:		04/13/84 JA: TX			
8429193	F-03-071354	4224530265		102-2		1 N W 1/4 OF TRACT 55-L	HIGH ISLAND 55-L (SIP	730.0	APACHE PIPELINE C
-MICHAEL H SHELBY				RECEIVED:		04/13/84 JA: TX			
8429221	F-06-075790	4220331037		103		M ALLDAY GAS UNIT #1	WASKOM (PAGE SAND)	340.0	ARKANSAS LOUISIAN
-MINDEN OIL & GAS INC				RECEIVED:		04/13/84 JA: TX			
8429271	F-06-078610	4220330915		102-4	107-TF	BIVINS HEIRS GAS UNIT #1 (N/A)	SABINE SE (COTTON VAL	110.0	VENTURA PIPELINE
-MIRAMAR PETROLEUM INC				RECEIVED:		04/13/84 JA: TX			
8429288	F-04-078903	4221531382		102-4		NOSER GAS UNIT WELL 1-U	HIDALGO N E (7620) -	440.0	
-MITCHELL ENERGY CORPORATION				RECEIVED:		04/13/84 JA: TX			
8429182	F-7B-064999	4236700000		108-ER		A R TATE #1	TOTO BOONSVILLE CONG	0.0	NATURAL GAS PIPEL
8429300	F-09-079202	4249732616		103		BESSIE DICKENSON #3	BOONSVILLE (BEND CONG	137.8	NATURAL GAS PIPEL
8429227	F-09-076134	4223700000		108		C A LAWRENCE -A- #1 #028723	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8429183	F-09-065153	4249700000		108-ER		KANSAS-SCOTT #1	BOONSVILLE BEND CONGL	0.0	NATURAL GAS PIPEL
8429180	F-09-059644	4249700000		108-ER		M G HOEHN #1	BOONSVILLE BEND	0.0	NATURAL GAS PIPEL
8429269	F-09-078546	4249700000		108		STELLA YOUNG #3 054267	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:		04/13/84 JA: TX			
8429284	F-04-078839	4213131689		102-4		DUVAL RANCH SEC 96-B #9	PETROX (HOCKLEY B-8)	54.0	VALERO TRANSMISSI
-MONSANTO COMPANY				RECEIVED:		04/13/84 JA: TX			
8429343	F-08-079788	4238931428		103		BARSTOW STATE #2	COLLIE (DELAWARE)	5.0	
8429356	F-8A-080224	4207931849		103		MASTEN #68	LEVELLAND	9.0	CITIES SERVICE OI
8429357	F-08-080225	4247533107		103		THORNTON #5	RHODA WALKER (CANYON	16.0	NORTHERN NATURAL
-MONTERREY PETROLEUM CORP				RECEIVED:		04/13/84 JA: TX			
8429184	F-04-066963	4247933397		102-2		APACHE #7	APACHE RANCH (OLMOS)	0.0	SEAGULL PIPELINE
8429201	F-04-073475	4247900000		103		JOHN R BLOCKER 1040-3	BLOCKER RANCH	0.0	SEAGULL PIPELINE
8429200	F-04-073474	4247900000		103		JOHN R BLOCKER 1040-4	BLOCKER RANCH	0.0	SEAGULL PIPELINE
8429181	F-04-062503	4247932345		102-2	107-PE	JOHN R BLOCKER 1042-2	GOLD REVEL N (OLMOS	0.0	SEAGULL PIPELINE
8429203	F-04-073477	4247900000		103		JOHN R BLOCKER 1042-3	BLOCKER RANCH	0.0	SEAGULL PIPELINE
8429202	F-04-073476	4247900000		103		JOHN R BLOCKER 1042-4	BLOCKER RANCH	0.0	SEAGULL PIPELINE
8429204	F-04-073478	4247900000		103		JOHN R BLOCKER 1840-2	BLOCKER RANCH	0.0	SEAGULL PIPELINE
8429206	F-04-073485	4247900000		103		JOHN R BLOCKER 1852-1	APACHE RANCH (OLMOS)	0.0	SEAGULL PIPELINE
8429205	F-04-073484	4247900000		103		JOHN R BLOCKER 1854-1	BLOCKER RANCH	0.0	SEAGULL PIPELINE
-MORRISON ENERGY CO				RECEIVED:		04/13/84 JA: TX			
8429341	F-7B-079785	4213335243		102-4		RIDDLE UNIT #2 #2-1	MARSAN (CONGL)	237.3	NORTHERN GAS PROD
8429340	F-7B-079784	4213335244		102-4		RIDDLE UNIT 1 #1-1	MARSAN (CONGL)	120.5	NORTHERN GAS PROD
-MWJ PRODUCING COMPANY				RECEIVED:		04/13/84 JA: TX			
8429424	F-7C-080458	4223532141		103		HENRY "A" #6	CHRISTI (CANYON 6800)	7.0	NORTHERN NATURAL
8429425	F-7C-080461	4223532194		103		JAY "A" #5	CHRISTI (CANYON 6800)	18.0	NORTHERN NATURAL
-NEWPORT PETROLEUMS INC				RECEIVED:		04/13/84 JA: TX			
8429345	F-8A-079867	4211531895		103		WILLIAMSON #1	ACKERLY NORTH (DEAN S	10.0	GETTY OIL CO
-NORTH AMERICAN ROYALTIES INC				RECEIVED:		04/13/84 JA: TX			
8429235	F-7C-077028	4208332493		103		HICKMAN #1 (10152)	PRICE FIELD (GRAYBURG	8.4	CROCKETT COUNTY G
8429236	F-7C-077029	4238332494		103		HICKMAN #2 (10152)	PRICE FIELD (GRAYBURG	8.0	CROCKETT COUNTY G
8429237	F-7C-077030	4238332495		103		HICKMAN #3 (10152)	PRICE FIELD (GRAYBURG	8.4	CROCKETT COUNTY G
8429238	F-7C-077031	4238332502		103		HICKMAN #4 (10152)	PRICE FIELD (GRAYBURG	7.7	CROCKETT CO GAS C
-NORTH RIDGE CORP				RECEIVED:		04/13/84 JA: TX			
8429259	F-7B-078067	4213331631		102-4	103	MYRL SNEED "B" #1	BECK-SNEED (CONGL)	44.5	LONE STAR GAS CO

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-OLYMPIA OIL CO INC				RECEIVED:	04/13/84	JA: TX			
8429391	F-7B-080326	4208300000		102-4		GARY #1 (20074)	HRUBETZ (ELLEN)	26.0	UNION TEXAS PETRO
8429390	F-7B-080325	4208333901		102-4		GARY #5 (20630)	GRADY ROBERTS (MORRIS	67.0	UNION TEXAS PETRO
-ONEOK EXPLORATION CO				RECEIVED:	04/13/84	JA: TX			
8429322	F-10-07942	4229531387		103		SCHNEIDER #6	DARREN (MORROW MIDDLE	85.0	PHILLIPS PETROLEU
8429355	F-10-080115	4229531348		103		WESLEY #4	DARREN (MORROW MIDDLE	20.0	NORTHERN NATURAL
-OVERLY OPERATING CO				RECEIVED:	04/13/84	JA: TX			
8429423	F-02-080451	4217531792		103		TONIE WEISE #2	MELROSE E (PETTUS)	95.0	GULF SOUTH PIPELI
-PARKER & PARSLEY INC				RECEIVED:	04/13/84	JA: TX			
8429308	F-08-079281	4231700000		103		GLASS "E" #1	SPRABERRY (TREND AREA	1.5	ADOBE OIL & GAS C
8429268	F-08-078507	4231700000		103		HYATT #1	SPRABERRY (TREND AREA	1.5	PHILLIPS PETROLEU
8429307	F-08-079277	4232900000		103		ROTAN #1	SPRABERRY (TREND AREA	1.5	PHILLIPS PETROLEU
-PECOS OPERATORS INC				RECEIVED:	04/13/84	JA: TX			
8429328	F-08-079618	4249531651		103		HENDRICK #1	HALLEY	10.0	PHILLIPS PETROLEU
-PENTA ENERGY CORP				RECEIVED:	04/13/84	JA: TX			
8429187	F-03-070265	4204130942		102-2		GENECIE #1	KURTEN (BUDA)	7.0	FERGUSON CROSSING
-PETRO-LEWIS CURPORATION				RECEIVED:	04/13/84	JA: TX			
8429217	F-04-075617	4247933599		103	107-TF	O S PETTY B #6-20	DOS HERMANOS W	751.9	VALERO TRANSMISSI
-PETROCHALK CORP				RECEIVED:	04/13/84	JA: TX			
8429192	F-7B-070976	4236300000		102-4	103	BATES #1	BRANSON (STRAWN)	25.0	INTRASTATE GATHER
-PHILLIPS OIL CO				RECEIVED:	04/13/84	JA: TX			
8429366	F-08-080267	4210305419		108		CENTRAL DUNE (SA) U #301 (21554)	DUNE	0.0	WARREN PETROLEUM
8429371	F-08-080272	4210305427		108		CENTRAL DUNE (SA) U #508 (21554)	DUNE	0.0	WARREN PETROLEUM
8429369	F-08-080270	4213503138		108		G S AND UNIT #Q-16 (21193)	GOLDSMITH (CLEAR FORK	25.0	EL PASO NATURAL G
8429372	F-08-080273	4213508013		108		GOLDSMITH ADOBE UNIT #26-07 (18713)	GOLDSMITH (5600)	2.0	EL PASO NATURAL G
8429305	F-7C-079250	4245131341		102-4		MUNN-B 1125 #2 (10424)	T D (6575)	330.0	
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/13/84	JA: TX			
8429370	F-08-080271	4200304510		108		EMBAR-B #11 (19710)	GOLDSMITH NORTH (SAN	2.0	EL PASO NATURAL G
8429367	F-08-080268	4213503131		108		FRANK-A #8 (00233)	ANDECTOR (MCKEE)	0.0	EL PASO NATURAL G
8429368	F-08-080269	4213503136		108		FRANK-A WELL #13 (00233)	ANDECTOR (MCKEE)	2.0	EL PASO NATURAL G
-PRINGLE PETROLEUM INC				RECEIVED:	04/13/84	JA: TX			
8429332	F-03-079670	4220131673		102-4		WEEMS-WEISENBURGH UNIT #1	HOUSTON NORTH (ELM 70	30.0	BADISCHE CORP
-REATA OIL & GAS CORP				RECEIVED:	04/13/84	JA: TX			
8429218	F-03-075693	4231330468		103		G J OSBORNE - A #3	MADISONVILLE N E (DEX	0.0	LONE STAR GAS CO
-RICHEY & CO INC				RECEIVED:	04/13/84	JA: TX			
8429248	F-7B-077697	4213334984		102-4		F MOSELEY #1	JMJ	42.0	LONE STAR GAS CO
8429330	F-7B-079626	4213335533		102-4		P C VINES	REB	21.0	ENSERCH EXPLORATI
-RIDGE OIL CO				RECEIVED:	04/13/84	JA: TX			
8429256	F-7B-077893	4213335485		102-4	103	ABBOTT-REYNOLDS #1	REB (MARBLE FALLS)	16.4	COMPRESSOR RENTAL
8429339	F-7B-079767	4213335529		102-4	103	H O P #1	RANGER (MISSISSIPPIAN	33.6	COMPRESSOR RENTAL
-ROBERT RANSONE INC				RECEIVED:	04/13/84	JA: TX			
8429376	F-7C-080288	4223531818		103		T WAYNE HARRIS #70-1 (09261)	WAYNE HARRIS (CANYON)	44.0	NORTHERN NATURAL
8429375	F-7C-080287	4223531849		103		T WAYNE HARRIS #70-3 (09261)	WAYNE HARRIS (CANYON)	46.0	NORTHERN NATURAL
-S K ROGERS OIL CO				RECEIVED:	04/13/84	JA: TX			
8429325	F-8A-079546	4207900000		103		ST CLAIR "B" #2	LEVELLAND	5.0	CITIES SERVICE OI
-SABINE PRODUCTION COMPANY				RECEIVED:	04/13/84	JA: TX			
8429242	F-08-077370	4231732752		103		H W MADISON #1	SPRABERRY (TREND AREA	0.0	
-SANTA ANNA OIL & GAS CO INC				RECEIVED:	04/13/84	JA: TX			
8429186	F-7B-070174	4208333543		102-4		C M MENEAR #12	TRICKHAM (CROSSCUT LO	0.0	LONE STAR GAS CO
-SAXON OIL COMPANY				RECEIVED:	04/13/84	JA: TX			
8429210	F-7C-074260	4238300000		103		WEATHERBY #11	SPRABERRY TREND AREA	0.0	PHILLIPS PETROLEU
-SCARTH OIL & GAS CO				RECEIVED:	04/13/84	JA: TX			
8429272	F-10-078617	4235700000		102-2		CALLIHAM #1497 046042	CALLIHAM (ATOKA)	0.0	
-SHELL WESTERN E&P INC				RECEIVED:	04/13/84	JA: TX			
8429231	F-01-076906	4231131842		102-4		BRACKEN #10	A W P (OLMOS)	350.0	HOUSTON PIPELINE
-SHOW OIL CO				RECEIVED:	04/13/84	JA: TX			
8429208	F-7B-073908	4213332763		103		KIMBRELL #1 (16776)	LAKE LEON (DUFFER)	51.0	LONE STAR GAS CO
-SOCORRO ENERGY INC				RECEIVED:	04/13/84	JA: TX			
8429285	F-02-078853	4225531069		102-4		B P GREEN WELL #7	BIRDIE EAST (PROPOSED	0.0	REATA INDUSTRIAL
-SOUTHERN ROYALTY INC				RECEIVED:	04/13/84	JA: TX			
8429283	F-04-078838	4240900000		102-4		VOGEL #1	ST PAUL NW (5100 SEG	220.0	HOUSTON PIPE LINE
-SPG EXPLORATION CORP				RECEIVED:	04/13/84	JA: TX			
8429255	F-03-077880	4214931635		102-2		HOPPER #1	GIDDINGS/AUSTIN CHALK	0.0	
-STEVE STAMPER				RECEIVED:	04/13/84	JA: TX			
8429373	F-09-080274	4223735476		102-4		C B WILLIAMS #1	PEAVY (CONGLOMERATE 4	180.0	LONE STAR GAS CO
-STRINGER OIL & GAS				RECEIVED:	04/13/84	JA: TX			
8429310	F-7C-079297	4210534100		103		SHANNON ESTATE "1" - 1-T	ESCONDIDO (FUSSELMAN)	95.0	PHILLIPS PETROLEU
-SUEMAUR CORP				RECEIVED:	04/13/84	JA: TX			
8429396	F-04-080342	4213136292		103		WELDER HEIRS #2-381	SEVEN SISTERS W (5700	210.0	REATA INDUSTRIAL
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	04/13/84	JA: TX			
8429420	F-04-080405	4224900000		108		A T CANALES #14	ZONE 21-B TREND	1.0	FLORIDA GAS TRANS
8429421	F-04-080406	4224900000		108		A T CANALES #44	TIJERINA-CANALES-BLUC	15.0	FLORIDA GAS TRANS
8429318	F-8A-079372	4250132369		103		B L GILSTRAP #9	OWNBY	10.0	AMOCO PRODUCTION
8429416	F-01-080397	4218700000		108		C KNOBLOCH #24	DARST CREEK	2.0	PHILLIPS PETROLEU
8429414	F-01-080395	4218700000		108		C KNOBLOCH #36	DARST CREEK	2.0	PHILLIPS PETROLEU
8429415	F-01-080396	4218700000		108		C KNOBLOCH #54	DARST CREEK	1.0	PHILLIPS PETROLEU
8429413	F-04-080394	4242700000		108		C M HALL -B- #2	LYDA	11.0	FLORIDA GAS TRANS
8429262	F-04-078462	4227331783		102-4		E G CANALES #23	T-C-B	138.0	FLORIDA GAS TRANS
8429417	F-04-080398	4242700000		108		FROST NATL BANK IND EX -B- #27	GARCIA	3.0	TRANSCONTINENTAL
8429233	F-04-076959	4242700000		102-4		H L DE GARZA #2	SUN NORTH	26.0	FLORIDA GAS TRANS
8429263	F-04-078465	4235532134		102-4		H R MCCANN #26	ARNOLD DAVID	1.0	FLORIDA GAS TRANS
8429260	F-04-078102	4242731782		103		I V MONTALVO -C- #44	SUN NORTH	75.0	FLORIDA GAS TRANS
8429419	F-02-080403	4239100000		108		J M OBRIEN -A- #5	GRETA	15.0	UNITED TEXAS TRAN
8429418	F-03-080401	4207100000		108		JACOBSON UNIT #3	WINNIE N	13.0	TEXAS EASTERN GAS
8429412	F-04-080393	4242700000		108		S RODRIGUEZ #5	KELSEY S	19.0	FLORIDA GAS TRANS
8429215	F-02-075254	4246931492		103		SHELTON-WEST UNIT B #1	PALO ALTO	8.0	UNITED TEXAS TRAN
8429266	F-03-078468	4214931555		102-4		WEST DUBINA GAS UNIT -A- #1	DUBINA W	10.0	PANHANDLE GAS CO
8429265	F-03-078467	4214931554		102-4		WEST DUBINA GAS UNIT "B" #1	DUBINA W	22.0	PANHANDLE GAS CO
8429264	F-03-078466	4214931347		102-4		WEST DUBINA GAS UNIT "C" #1	DUBINA W	204.0	PANHANDLE GAS CO
8429175	F-03-048607	4207131134		103		WHITE ESTATE "A" #9	WILLOW SLOUGH	141.0	UNITED TEXAS TRAN
-T M ALLEN				RECEIVED:	04/13/84	JA: TX			
8429336	F-04-079731	4224931710		102-4		C MUIL	CAPTAIN LUCEY (3860)	183.0	NUE-WELLS PIPELIN
-TAMARACK PETROLEUM CO INC				RECEIVED:	04/13/84	JA: TX			
8429324	F-08-079521	4232931255		103		TURNER "46" #1	SPRABERRY (TREND AREA	12.0	PHILLIPS PETROLEU
-TED TRUE INC				RECEIVED:	04/13/84	JA: TX			
8429224	F-10-075998	4243130973		103		BRENT 61-08	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8429223	F-10-075970	4234130976		103		BRENT 62-06	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8429222	F-10-075969	4234130977		103		BRENT 62-07	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8429197	F-10-073166	4234131004		103		BRENT 64-4	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8429177	F-10-056165	4234100000		103		BRENT 65-2	PANHANDLE MOORE COUNT	0.0	PANHANDLE EASTERN
8429196	F-10-073150	4234130960		103		BRENT 65-3	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8429199	F-10-073172	4234130964		103		BRENT 65-4	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8429198	F-10-073170	4234130961		103		BRENT 65-6	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8429211	F-10-074524	4234100000		103		BROWN 22-4	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TEXACO INC				RECEIVED:	04/13/84	JA: TX			
8429253	F-08-077778	4231732662		103		MABEE FOUNDATION "A" NCT-4 #58	MABEE	0.0	
8429254	F-08-077781	4238931431		102-4		REEVES "AD" FEE #7	JESS BURNER	0.0	CONOCO INC
-TEXSON PETROLEUM CORP				RECEIVED:	04/13/84	JA: TX			
8429301	F-08-079227	4210333278		103		BARNSLEY 27 #1	SAND HILLS (TUBB)	60.0	WARREN PETROLEUM
-TOM BROWN INC				RECEIVED:	04/13/84	JA: TX			
8429344	F-7C-079844	4243533043		103	107-TF	HILL-W R ALDWELL TRUST "J" #1	ALDWELL RANCH (CANYON	73.0	LONE STAR GAS CO
8429277	F-7C-078696	4243533038		103	107-TF	HILL-WINNIE R ALDWELL TRUST "H" #1	ALDWELL RANCH (CANYON	73.0	LONE STAR GAS CO
8429267	F-08-078503	4231732726		103		HOLT RANCH "C" #1	SPRABERRY (TREND AREA	15.0	NORTHERN GAS PROD
-TOM L INGRAM				RECEIVED:	04/13/84	JA: TX			
8429383	F-08-080312	4200333906		103		THORNBERRY "F" #2	FUHRMAN-MASCHO	12.0	PHILLIPS PETROLEU
-TOMMY LITTLEPAGE				RECEIVED:	04/13/84	JA: TX			
8429401	F-09-080347	4250336595		103		HIPPARD #1 (RRC #23012)	YOUNG COUNTY REGULAR	20.0	MIDCON TEXAS PIPE
-TROXELL BILLY RAY				RECEIVED:	04/13/84	JA: TX			
8429408	F-10-080377	4248300000		103		BIGGERS #1	EAST PANHANDLE	146.0	HIGH PLAINS NATUR
-TWIN DRILLING CO INC				RECEIVED:	04/13/84	JA: TX			
8429377	F-7B-080295	4204900000		108		DEWARE RRC #0089256	BROWN COUNTY REGULAR	5.0	EL PASO HYDROCARB
-TXO PRODUCTION CORP				RECEIVED:	04/13/84	JA: TX			
8429209	F-02-074235	4223931883		103		POWERS G-3	MORALES (3955')	0.0	DELHI GAS PIPELIN
8429214	F-02-075249	4223931874		103		WILLIAMS FF-1	MORALES (3725 STRAY)	0.0	DELHI GAS PIPELIN
-UTX EXPLORATION INC				RECEIVED:	04/13/84	JA: TX			
8429394	F-02-080352	4202532070		103		K D ROCHE C-2	BAUMAKER (FRIO)	6.0	HOUSTON PIPE LINE
-W & W OIL CO				RECEIVED:	04/13/84	JA: TX			
8429229	F-8A-076646	4216531855		103		C MAYO WELL #1	CARM-ANN (SAN ANDRES)	40.0	PHILLIPS PETROLEU
-W B D OIL & GAS CO				RECEIVED:	04/13/84	JA: TX			
8429422	F-10-080447	4223331790		103		DUNAWAY C E #7 (ID #01145)	PANHANDLE HUTCHINSON	40.0	DIAMOND SHAMROCK
-W B OSBORN OIL & GAS OPERATIONS				RECEIVED:	04/13/84	JA: TX			
8429216	F-04-075504	4242731809		103		CAMERON/STATE 1-214-10328	LINDA (5250 SD) 53617	30.0	BAM ENERGY INC
-WAGNER & BROWN				RECEIVED:	04/13/84	JA: TX			
8429405	F-08-080371	4243131390		103		GLASS "G" #8-14	CONGER (PENN)	247.5	TEXAS UTILITIES F
-WESSELY ENERGY CORPORATION				RECEIVED:	04/13/84	JA: TX			
8429348	F-06-080006	4236531607		102-4		TATUM #1	LONG BRANCH (PETTIT L	450.0	ENDEVCO PIPELINE

[FR Doc. 84-12415 Filed 5-8-84; 8:45 am]

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federal register

Wednesday
May 9, 1984

Part III

Department of Education

34 CFR Part 690

Pell Grant Program; Notice of Proposed Rulemaking

DEPARTMENT OF EDUCATION

34 CFR Part 690

Pell Grant Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations for the Pell Grant Program. The regulations are amended as a result of the Secretary's review of current regulations. These regulations are being amended to simplify procedures, clarify requirments, and reduct administrative burdens on institutions while maintaining program integrity.

DATE: Comments must be received on or before June 25, 1984.

ADDRESS: Comments should be addressed to Mr. Brian Kerrigan, Chief, Policy Section, Mr. David Morgan, Pell Grant Program Specialist, or Mrs,. Altia J. Jackson, Pell Grant Program Specialist, Pell Grant Program, Office of Student Financial Assistance, U.S. Department of Education, (ROB–3 Room 4318), 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Brian Kerrigan, Mr. David Morgan or Mrs. Altia J. Jackson, telephone number (202) 472–4300.

SUPPLEMENTARY INFORMATION: These regulations are being issued in accordance with th Department's deregulation initiative. They clarify requirements and delete provisions in the existing regulations that impose unnecessary administrative burdens on participating institutions. A discussion of the major changes follows.

Subpart A

1. The Secretary is proposing to transfer several definitions and other provisions in Subpart A of the Pell Grant Program regulations to the Student Assistance General Provisions regulations, 34 CFR Part 668. The definitions and provisions to be transferred apply equally to the other student financial assistance programs authorized by title IV of the Higher Education Act of 1965, as amended.

2. The terms "payment period" and "eligible program" are set forth in §§ 690.3 and 690.5, respectively. The definition of "payment period" has been revised to clarify provisions for students attending institutions participating in the Pell Grant program under the Regular Disbursement System (RDS) and the Alternate Disbursement System (ADS).

3. Section 690.9 of the current regulations (Determination of enrollment status under special circumstances) is redesignated as § 690.8 and has been revised to clarify the procedure for determining the enrollment status for students enrolled in both regular course work and correspondence study as well as for students enrolled in remedial courses.

The concept of reduced credit has been added to the regulations to address the practice of some institutions which offer courses that are only partially remedial. The workload for these courses is greater than the actual credit a student receives for successfully completing the course, because part of the course is remedial in nature. Thus, under this proposal both non-credit and reduced credit remedial courses will be treated similarly.

If a student is enrolled in a non-credit or reduced credit remedial program, the student's enrollment status should include that course. The number of credit or clock hours attributed to a non-credit or reduced credit remedial course shall be calculated as follows: First, the institution shall calculate the number of classroom and homework hours required for that course. Second, it shall compare those hours with the hours required in non-remedial courses in a similar subject. Third, it shall give the remedial course the same number of credit or clock hours it gives the non-remedial program with the most comparable classroom and homework requirements. For example, a remedial mathematics course consists of three classes a week with six hours of homework a week. A non-remedial mathematics course of comparable hours is a three credit course. The institution shall also consider the remedial mathematics course as a three credit course for the purpose of determining a student's enrollment status for a student enrolled in that course.

The Secretary proposes a restriction in determining the enrollment status for a student who is enrolled in a remedial program. In calculating a student's enrollment status, an institution may not include non-credit or reduced credit remedial coursework that exceeds the equivalent of an academic year of study. The Secretary believes that a student who has been admitted to a postsecondary program as a regular student should be sufficiently prepared for postsecondary coursework after completing remedial courses that equal an academic year of study.

Section 690.8 has been revised to spell out in more detail, the calculation of the enrollment status for students enrolled in a combination of regular and correspondence study. For such students, the number of credit hours earned through correspondence study is added to the credit hours earned through regular study in determining a student's enrollment status. However, if the credit hours earned from correspondence study exceed the credit hours earned from regular study, the correspondence credit hours that exceed the number of regular study credit hours cannot be counted in determining enrollment status. A chart has been added to the regulations to illustrate this rule. The one exception to this rule applies when a student earns at least six credit hours through correspondence study and earns only one or two credit hours through regular study. In such a case the student is considered half-time, even though the normal rule of not counting the number of credit hours from correspondence study that exceed the number of hours of regular study would result in a determination of less than half time. This exception only applies when the student has some credit bearing (or non-credit remedial) course of regular study and at least six credit hours of correspondence study.

Subpart F—Determination of Pell Grant Awards

Several sections in this subpart have been extensively revised or deleted because they caused confusion among financial aid officers or because they did not reflect current law. Other sections have been simplified to reduce administrative burden.

1. Section 690.61 has been revised. This section has different deadline dates for submitting Student Aid Reports (SAR) to the institution in order to receive a Pell Grant depending on whether the student enrolled in that institution before or after May 1.

The Secretary proposes a single deadline date of the submission of an SAR. That date is to be June 30. However, the student will still have to be enrolled and eligible for payment at the time he or she submits the SAR.

The Secretary is considering a proposal to revise the SAR submission requirement for students enrolled at institutions that participate in the full data tape exchange program provided by the Department of Education. Under this proposal, beginning with the 1985–1986 award year, a student attending a full data tape exchange institution would not be required to submit a SAR to that institution as long as all the information needed to calculate that student's aid index appeared on the full data tape exchange. This proposal cannot be implemented before the 1985–1986 award year because the comments

on the SAR that are needed for verification cannot be included on the tape exchange for the 1984–1985 award year.

While this proposal is not included in the proposed regulations, the Secretary is interested in comments from the public on this matter.

2. Section 690.62 has been revised. The revised section states that the Secretary will issue annually a Payment Schedule which will reflect the amount a student may receive under the current statute. In addition, § 690.63 has been deleted as unnecessary.

3. Section 690.64 dealing with the relationship of the maximum Pell Grant award and cost of attendance has been deleted because it does not reflect the current law.

4. In response to numerous comments received from the financial aid community, § 690.67, "Transfer student: attendance at more than one institution during an award period" redesignated as § 690.65, has been revised to indicate more clearly how Pell Grant awards are calculated for a transfer student. This clarification is intended to reduce miscalculation of awards by the institution.

5. In § 690.68 of the current regulations, payment periods for correspondence study always ended on June 30. Section 690.66 of this proposed rule would link payment periods to the academic year rather than the award year. This is similar to the payment procedure used for a student enrolled in a regular course of study. The length of each payment period will be equal to one-half of the academic year, unless the length of the program is less than an academic year. If the program is less than an academic year, the length of each payment period will be one-half the length of the program. When a student's payment period occurs in two award years, the institution will have the option of placing the entire payment period in the first or second award year. This change is proposed because students who enroll in a correspondence program near the end of the award year may have missed the application deadline for that year. Under the current regulations these students cannot be paid for the hours completed before the new award year begins on July 1. This proposed rule allows students to be paid for the work completed in May and June if they are eligible for a Pell Grant in the subsequent award year.

A student who is enrolled solely in correspondence study without any required period of residential training cannot receive more than one-half of his or her Scheduled Award. While this concept is not new, the specific procedures used are. This limitation is based on the fact that correspondence students generally have a workload that is comparable to that of a part-time student. Students who are enrolled in a program that is less than an academic year would receive less than one-half the Scheduled Award. The reduction is calculated by multiplying one-half the Scheduled Award by the following fraction:

$$\frac{\text{Number of hours in the program}}{\text{Numbers of hours in the academic year}}$$

The timing of the disbursement to a student would be similar to the procedure that exists in the current regulations. The student would be paid for the first payment period after completing 25 percent of the academic year (or program, if less than an academic year). The payment for the second payment period would be made after the student completed 75 percent of the academic year (or program).

For a student enrolled in a correspondence study program with a required period of residential training, the procedures described above will only apply to the non-residential portion of a students program. The student's award for the residential portion will be calculated in the same manner as that for a student enrolled in a regular course of study at an institution that measures progress by clock hours. These changes are being proposed because the work completed by a student during the residential portion of the student's program is comparable to the workload of students in a regular course of study.

Subpart G—Administration of Grant Payments—Regular Disbursement System (RDS)

Several sections in this subpart have been deleted, revised, or clarified in an effort to reduce administrative burden.

1. Section 690.75, "Determination of eligibility for payment," has been reorganized in the interest of clarity, and to explain that a default on a PLUS Loan applies to both an independent student and to a parent if that parent, as a student, applies for a Pell Grant.

The requirement that a student file a signed Statement of Educational Purpose/Registration Compliance has been added as a condition of eligibility for payment. In response to comments received from the financial aid community, the wording of the Educational Purpose Statement in § 690.79 of the current regulations has been deleted and placed in the Student Assistance Provisions regulations (34 CFR Part 668). The same Educational Purpose Statement will apply to all programs. To maintain this Statement in each program's regulations would be redundant and confusing to institutions because it was thought that a student recipient was required to file a separate Statement for each program.

Section 690.76(b) dealing with frequency of Pell Grant payments has been deleted since payment periods are no longer linked to the end of an award year.

3. Section 690.77 dealing with verification of SAR information has been reorganized to clarify when a student must submit a reprocessed verified SAR to the institution, when the institution must withhold payment of a grant, and under what conditions the institution must forward information about a student to the Secretary.

4. In response to comments received from the financial aid community, § 690.78 dealing with disbursements of Pell Grants to students has been clarified. The revised procedure still requires an institution to pay a student 15 days after the end of the term if the student has not picked up his or her check by that date. The references to holding a check have been deleted from § 690.78 so that an institution can cancel existing checks and issue new checks.

5. In response to comments received from the financial aid community, § 690.80 (which is redesignated as § 690.79 and deals with recovery of Pell Grant overpayments) has been clarified to indicate that a student who has been referred to the Secretary because the student refuses to repay an overpayment remains statutorily ineligible for additional Title IV aid at that institution until the student repays the overpayment.

6. Section 690.81 (which is redesignated as § 690.80 and deals with the recalculation of Pell Grant awards) has been extensively revised. If an institution has calculated a student's award for a payment period, and the student later changes his enrollment status before the student begins attendance in all of his or her classes, the institution must recalculate the student's enrollment status to reflect only those classes for which the student actually began attendance.

A paragraph has been added to address changes in the cost of attendance. If a student's cost of attendance changes it any time during the year, the institution may (but is not required to) establish a policy under which the student's award for the

payment period is recalculated. However, if a student's enrollment status changes between payment periods, or if the institution has a policy of recalculating enrollment status within a payment period, the institution must recalculate the cost of attendance, if the costs have changed at that time.

The Secretary has not proposed a change in the rule that gives institutions the option of recalculating awards when enrollment status changes within an academic term. However, the Secretary is soliciting comments on potential solutions to the following problem.

Under the current regulations, if a student attends a credit hour institution that uses academic terms, a student can be a Pell Grant for the payment period on the basis of the number of credits a student indicates he or she will take for the term. Although an institution has the option of recalculating a student's award when there is a change in enrollment status within the term, no adjustment is required to reflect the number of credit hours the student actually completed at the end of the term. Thus, for example, a student can enroll for the Fall semester as a full-time student by indicating he or she will take twelve credit hours. The students may drop eight of those credit hours during the first week of the semester after receiving a Pell Grant disbursement as a full-time student. Thus, even though the student's enrollment status changes to less than one-half time (which would make him or her ineligible for a Pell Grant for that term if his or her enrollment status was recalculated), he or she may keep the grant he or she received on the basis of his or her original enrollment as full-time student.

In the current regulations, institutions are not required to recalculate a student's award within a term because of the severe administrative burden this would create for institutions. Such a rule would require an institution to monitor every student's enrollment status during the course of a term. Unfortunately, the potential for widespread abuse by students has created the need to reconsider the disbursement procedures for students who change their enrollment status during a term. One solution to this problem would require an adjustment in the student's next academic term if the student did not complete the credit hours for which he or she was paid. For example, if a student was paid a Pell Grant as full-time student on the basis of enrolling for 12 credit hours in the Fall semester and only completed nine hours, the student would be considered as having received an over-payment. In the following term, the difference between the disbursement for a full-time student and a three-quarter-time student would be deducted from that student's payment for that second term to adjust for the overpayment. Thus, if the student enrolled for twelve hours in the Spring term, he or she would receive one-half the Scheduled Award minus the overpayment from the previous term. Furthermore, a student who enrolled for six hours in the Fall semester, but only completed five hours must account for the entire disbursement. The disbursement for the Fall term must be substracted from the disbursement for the Spring term. The same procedure would be followed for subsequent terms that occur in another award year.

This option has advantages over other alternatives because it is less burdensome for institutions. As an alternative, all institutions could recalculate each time a student's enrollment status changed. Some institutions currently follow this procedure, but larger institutions would find it difficult to monitor a large number of students.

Another option would permit students to retain the original disbursement as long as they remained enrolled for the hours which they were paid at half the length of the term. This option would not account for students who unofficially withdrew during the first half of the term. A student may stop attending a class early in the term, without notifying the institution of his intent to drop the course until the second half of the term. The option might also encourage the practice of waiting until the second half of the term before officially withdrawing from classes.

A fourth option would permit financial aid administrators to account for the period of time during the term in which the student was initially enrolled for the classes that were later dropped. Adjustments would then be made in the subsequent term based upon the length of time a student was enrolled at a given enrollment status. If the student was enrolled as a full-time student for half the term and as a half-time student for half the term, his or her award should be half the full-time disbursement for that term and half the half-time disbursement for that term. Although this would appear to be the most equitable approach, this option would be the most burdensome in terms of monitoring enrollment and recalculating disbursements. The same problem of determining when a student withdraws from classes recurs with this option.

The Secretary believes that an adjustment in the subsequent term for hours that a student was paid for but did not complete, is the best alternative. However, before any decision is made to resolve this issue, the Secretary is interested in receiving comments from the financial aid community.

7. In response to a request from the Office of Inspector General, the Secretary is proposing to delete one of the options in § 690.82(b) (redesignated as § 690.81(b)) for identifying Federal funds in a bank account. The Secretary is proposing to delete the option of sending a letter to the bank, listing the accounts in which Federal funds will be deposited, and retaining a copy of that letter in the institution's files. Instead, institutions will required to include in the name of the bank account the fact that Federal funds have been deposited in that account. In the past, it has been difficult to locate Federal funds deposited by institutions that have later closed when institutions have exercised the option of sending a letter to the bank.

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 established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations are being issued as a result of a review of existing regulations for the purpose of deregulation. They clarify or delete provisions in the previous Pell Grant Program regulations which created excessive administrative burden for participating postsecondary institutions. These regulations also revise certain institutional requirements concerning the administration of payments under the Pell Grant Regular and Alternate Disbursement Systems. About 75 postsecondary institutions participate in the Pell Grant Program under the Alternate Disbursement System. Many of these institutions are small entities, but approximately 50 percent of the institutions have fewer than 10 Pell Grant recipients. Therefore, the revised requirements will not have a significant economic impact on the small entities affected.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

Written comments and recommendations may be sent to the address given at the beginning of this document. All comments submitted on or before the 45th day after publication of this document 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 4318, ROB-3, 7th and D Streets, SW., Washington, D.C. 20202, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act, and their overall requirements of reducing regulatory burden, public comment is especially invited on further opportunities to reduce regulatory burden in these proposed regulations.

Paperwork Reduction Act of 1980

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

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 NW., 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 regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 690

Administrative practice and procedure, Education, Education of disadvantaged, Grant programs—education, Student aid.

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 No. 84.063, Pell (Basis) Grant Program)

Dated: May 3, 1984.

T. H. Bell,

Secretary of Education.

PART 690—PELL GRANT PROGRAM

The Secretary proposes to revise Subparts A, B, F, G, and H of Part 690 of Title 34 of the Code of Federal Regulations to read as follows:

Subpart A—Scope, Purpose and General Definitions

Sec.
690.1 Scope and purpose.
690.2 General definitions.
690.3 Definitions of payment period.
690.4 Eligible student.
690.5 Eligible program.
690.6 Duration of student eligibility.
690.7 Institutional participation.
690.8 Enrollment status for students taking non-credit or reduced credit remedial courses or regular and correspondence courses.
690.9 Written agreements between two or more eligible institutions.
690.10 Administrative cost allowance to participating schools.
690.11 Pell Grant payments from more than one institution.

Subpart B—Application Procedures for Determining Expected Family Contribution

690.12 Application.
690.13 Notification of expected family contribution.
690.14 Applicant's request for recalculation of expected family contribution because of clerical or arithmetic error.

* * * * *

Subpart F—Determination of Pell Grant Awards

690.61 Submission process and deadline for student aid report.
690.62 Calculation of a Pell Grant.
690.63 Calculation of a Pell Grant for a payment period.
690.64 Calculation of a Pell Grant for a payment period which occurs in two award years.
690.65 Transfer student: attendance at more than one institution during an award year.
690.66 Correspondence study.

Subpart G—Administration of Grant Payments—Regular Disbursement System (RDS)

690.71 Scope.
690.72 Institutional participation agreement—Regular Disbursement System (RDS).
690.73 Termination of institutional participation agreement—Regular Disbursement System (RDS).
690.74 Provision of funds to institutions.
690.75 Determination of eligibility for payment.
690.76 Frequency of payment.
690.77 Verification of information on the (SAR)—withholding of payments.
690.78 Method of disbursement—by check or credit to a student's account.
690.79 Recovery of overpayments.
690.80 Recalculation of a Pell Grant award.
690.81 Fiscal control and fund accounting procedures.
690.82 Maintenance and retention of records.
690.83 Submission of reports.

Subpart H—Administration of Grant Payments—Alternate Disbursement System (ADS)

690.91 Scope.
690.92 Institutional participation agreement—Alternate Disbursement System (ADS).
690.93 Disbursement system changes.
690.94 Termination of agreement—alternate disbursement system.
690.95 General procedures for receiving payment.
690.96 Verification of information on the SAR.
690.97 Withdrawals and refunds.
690.98 Recovery of overpayments.
690.99 Recalculation of a Pell Grant award.
690.100 Maintenance and retention of records.
690.101 Submission of reports.

Authority: Section 411 of the Higher Education Act of 1965 as amended (20 U.S.C. 1070a), unless otherwise noted.

Subpart A—Scope, Purpose and General Definitions

§ 690.1 Scope and purpose.

The Pell Grant Program awards grants to help financially needy students meet the cost of their postsecondary education.

(20 U.S.C. 1070a)

§ 690.2 General definitions.

(a) Definitions of the following terms used in this part are defined or described in Subpart A of the Student Assistance General Provisions, 34 CFR Part 668:

Academic year
Act
Award year
Clock hour
College Work-Study Program
Enrolled
Guaranteed Student Loan Program
National Direct Student Loan Program
National Defense Student Loan Program
National of the United States
One-year training program
Pell Grant Program
PLUS Loan Program
Proprietary institution of higher education
Postsecondary vocational institution
Public or private nonprofit institution of higher education
Recognized equivalent of a high school diploma
Regular student

Secretary
Six-month training program
State
State Student Incentive Grant Program
Supplemental Educational Opportunity Grant Program.

(b) Other terms used in this part are:

ADS Institution: An institution that participates in the Pell Grant Program under the Alternate Disbursement System.

Disbursement Schedule: A table showing the grant amounts three-quarter and half-time students at term based institutions using credit hours would receive for an academic year. This table, published annually by the Secretary, is based on—

(1) A student's Effective Family Contribution;

(2) A student's attendance costs as defined in Subpart E; and

(3) The amount of funds available for making Pell Grants.

Enrollment status: (1) Full-time, three-quarter-time, or half-time depending on a student's credit hour work load per academic term at an institution using semesters, trimesters, quarters, or other academic terms and measuring progress by credit hours.

(2) Full-time or part-time depending on a student's credit hour work load per academic year, at an institution that does not use academic terms and measures progress by credit hours.

(3) Full-time or part-time depending on a student's clock hour work load per week, at an institution that measures by clock hours.

Full-time student: An enrolled student who is carrying a full-time academic work load (other than by correspondence)—as determined by the institution—under a standard applicable to all students enrolled in a particular program. However, an institution's full-time standard must equal or exceed one of the following minimum requirements:

(1) 12 semester hours or 12 quarter hours per academic term in an institution using a semester, trimester, or quarter system;

(2) 24 semester hours or 36 quarter hours per award year for an institution using credit hours but not using a semester, trimester, or quarter system, or the prorated equivalent for a program of less than one academic year;

(3) 24 clock hours per week for an institution using clock hours;

(4) In an institution using both credit and clock hours, any combination of credit and clock hours where the sum of the following fractions is equal to or greater than one:

$$\frac{\text{Number of credit hours per term}}{12} + \frac{\text{Number of clock hours per week}}{24}$$

(5) A series of courses or seminars which equals 12 semester hours or 12 quarter hours in a maximum of 18 weeks; or

(6) The work portion of a cooperative education program in which the amount of work performed is equivalent to the academic work-load of a full-time student.

Half-time student: (1) Except as provided in paragraph (2), an enrolled student who is carrying a half-time academic work load—as determined by the institution—which amounts to at least half the work load of the appropriate minimum requirement outlined in the definition of a full-time student.

(2) A student enrolled solely in a program of study by correspondence who is carrying a work load of at least 12 hours of work per week, or is earning at least 6 credit hours per semester, trimester or quarter. However, regardless of the work, no student enrolled solely in correspondence study is considered more than a half-time student.

Institution of Higher Education (Institution): A public non-profit or proprietary institution of higher education or a postsecondary vocational institution.

Payment Schedules: A table showing a full-time student's Scheduled Pell Grant for a given award year. This table, published annually by the Secretary, is based on—

(1) The student's Expected Family Contribution;

(2) The student's cost of attendance as defined in Subpart E; and

(3) The amount of funds available to the Secretary for making Pell Grants.

RDS Institution: An institution that participates in the Pell Grant Program under the Regular Disbursement System.

Scheduled Pell Grant: The amount of a Pell Grant which would be paid to a full-time student for a full academic year.

Student aid index: The term used on the Student Aid Report (SAR) to designate a student's expected family contribution for the Pell Grant Program.

Student Aid Report (SAR): A report provided to an applicant showing the amount of his or her expected family contribution.

Three-quarter-time student: An enrolled student who is carrying a three-quarter-time academic work load—as determined by the institution—which amounts to at least three quarters of the work of the appropriate minimum requirement outlined in the definition of a "full-time student."

Undergraduate student: A student enrolled in an undergraduate course of study at an institution of higher education who—

(1) Has not earned a baccalaureate or first professional degree; and

(2) Is in an undergraduate course of study which usually does not exceed 4 academic years, or is enrolled in a 4 to 5 academic year program designed to lead to a first degree. A student enrolled in a program of any other length is considered an undergraduate student for only the first 4 academic years of that program.

(20 U.S.C. 1070a unless otherwise noted.)

§ 690.3 Definitions of payment period.

(a) *Payment period for an RDS institution that has academic terms:*

(1) Except as noted in paragraph (a)(2) of this section, for an RDS institution that uses semesters, trimesters, quarters or other academic terms, the payment period is the semester, trimester, quarter or other academic term.

(2) For an RDS institution that uses semesters, trimesters, quarters or other academic terms and measures progress in clock hours—

(i) A payment period is a semester, trimester, quarter, or other academic term if the student completes all the clock hours scheduled for that term.

(ii) If at the end of a term, the student has not completed all of the clock hours scheduled for that term and the student has received a Pell Grant for that term, the payment period extends beyond that term for as long as it takes the student to complete the number of clock hours originally scheduled for that term.

(iii) If a payment period extends into another term, the next payment period consists of the number of clock hours remaining in that term after the student completes the hours required for the preceding payment period.

(b) *Payment period for an RDS institution that does not have academic terms:*

(1) For a student whose educational program is one academic year—

(i) The first payment period is the period of time in which the student completes the first half of his or her academic year (in credit or clock hours); and

(ii) The second payment period is the period of time in which the student completes the second half of that academic year.

(2) For a student whose educational program is MORE than one academic year, the first and second payment periods shall be calculated under paragraph (b)(1) of this section. For subsequent academic years, or fractions of academic years, each payment period shall be the period of time in which a student completes—

(i) One-half of the academic year; or

(ii) The remaining hours in the student's educational program, which ever is to be completed first.

(3) For a student whose educational program is LESS than an academic year——

(i) The first payment period is the period of time which the student completes the first half of his or her educational program (in credit or clock hours); and

(ii) The second payment period is the period of time in which the student completes the second half of his or her educational program.

(4) If an RDS institution chooses to have more than two payment periods in an academic year or in a program of less than an academic year, the rules in paragraph (b)(1) through (b)(3) of this section are modified to reflect the increased number of payment periods. For example, if an institution chooses to have three payment periods in an academic year, each payment period shall correspond to one-third of the academic year.

(c) *Payment period for an ADS institution.* (1) If an ADS institution uses semesters, trimesters, quarters or other academic terms and measures progress in credit hours, the payment period is the semester, trimester, quarter or other academic term.

(2) If an ADS institution measures progress in clock hours, or measures progress in credit hours but does not use academic terms, it shall have at least two payment periods, calculated as follows:

(i) If a student's academic year is within one award year and a student's educational program is at least one academic year—

(A) The first payment period is the period of time in which a student completes the first half of his or her academic year; and

(B) The second payment period is the period of time in which a student completes the second half of his or her academic year.

(ii) If a student's academic year is NOT within one award year or the student's educational program is LESS than a full academic year—

(A) The first payment period is the period of time in which a student completes the first half of the hours he or she is scheduled to complete within the award year; and

(B) The second payment period begins when the first payment period ends and ends when a student completes all hours he or she was scheduled to complete between the beginning of the second payment period and June 30.

(iii) A student who does not complete all the clock hours required for the second payment period of any award year may complete them during the following award year. In this case, the first payment period of the new award year begins when a student finishes all carried over hours for which he or she was paid.

(20 U.S.C. 1070a)

§ 690.4 Eligible student.

(a) A student is eligible to receive a Pell Grant if the student—

(1) Is a regular student;

(2)(i) Is a U.S. citizen or national;

(ii) Is a permanent resident of the U.S.;

(iii) Is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands; or

(iv) Provides evidence from the Immigration and Naturalization Service that he or she has been admitted into the United States for other than a temporary purpose with the intention of becoming a permanent resident; and

(3) Is enrolled as at least a half-time undergraduate student; and

(4) Meets the requirements of § 690.75.

(b) A member of a religious order, community, society, agency of or organization who is pursuing a course of study in an institution of higher education is considered to have an expected family contribution of at least $3,000 if that religious order—

(1) Has as a primary objective the promotion of ideals and beliefs regarding a Supreme Being; and

(2) Provides subsistence support to its members, or has directed the member to pursue the course of study.

(20 U.S.C. 1070a)

§ 690.5 Eligible program.

(a) *General:* An undergraduate program of education or training which—

(1) Has an admission standard that admits as regular students only persons who—

(i) Have a high school diploma;

(ii) Have a General Education Development (G.E.D.) Certificate or a State certificate received after passing a State-authorized examination which the State recognizes as the equivalent of a high school diploma; or

(iii) Are beyond the age of compulsory school attendance in the State in which the institution offering the program is located, and have the ability to benefit from the education or training offered; and

(2)(i) Leads to a bachelor, associate, or undergraduate professional degree;

(ii) Is at least a two-year program which is acceptable for full credit toward a bachelor degree;

(iii) Is at least a 1-year program leading to a certificate or degree, which prepares students for gainful employment in a recognized occupation; or

(iv) Is, if offered by a proprietary or postsecondary vocational institution, at least a six-month program leading to a certificate or degree, which prepares students for gainful employment in a recognized occupation.

(b) *An eligible program of study by correspondence:* An undergraduate program of education or training which meets the criteria for an eligible program in paragraph (a), and which is designed to require at least 12 hours of preparation per week.

(20 U.S.C. 1070a)

§ 690.6 Duration of student eligibility.

(a) A student is eligible to receive a Pell Grant for the period of time required to complete his or her first undergraduate baccalaureate course of study.

(b) An institution shall determine when the student has completed the academic curriculum requirements for that first undergraduate baccalaureate course of study.

(20 U.S.C. 1070a)

§ 690.7 Institutional participation.

(a)(1) An institution of higher education is eligible to participate in the Pell Grant program if it—

(i) Meets the appropriate definition set forth in 34 CFR Part 668, Subpart A;

(ii) Enters into a program participation agreement with the Secretary; and

(iii) Complies with that agreement and with the applicable provisions of this part and 34 CFR Part 668.

(2) If an institution begins participation in the Pell Grant Program during an award year, a student enrolled and attending that institution will be eligible to receive a Pell Grant for the payment period during which the institution enters into a program participation agreement with the

Secretary and any subsequent payment period.

(b) If an institution becomes ineligible to participate in the Pell Grant Program during an award year, an eligible student who was attending the institution and who submitted a valid SAR to the institution (or to the Secretary if it is an ADS institution) before the date the institution became ineligible is paid a Pell Grant for that award year for—

(1) The payment periods that the student completed before the institution became ineligible, and

(2) The payment period in which the institution became ineligible.

(c) An RDS institution which becomes ineligible shall, within 45 days after the effective date of loss of eligibility provide to the Secretary—

(1) The name and enrollment status of each eligible student who, during the award year, submitted a valid SAR to the institution before it became ineligible;

(2) The amount of funds paid to each Pell Grant recipient for that award year;

(3) The amount due each student eligible to receive a Pell Grant through the end of the payment period during which the institution became ineligible; and

(4) An accounting of the Pell Grant expenditures for that award year to the date of termination.

(d) An ADS institution which becomes ineligible shall, within 45 days after the effective date of loss of eligibility, provide to the Secretary the name and enrollment status of each student who applied for and was determined eligible for a Pell Grant, and who was attending the institution when its eligibility was terminated.

(20 U.S.C. 1070a)

§ 690.8 Enrollment status for students taking non-credit or reduced credit remedial courses or regular and correspondence courses.

(a) *Non-credit or reduced credit remedial course.* (1) A non-credit or reduced credit remedial course is a course of study designed to increase the ability of a student to pursue an undergraduate course of study leading to a certificate or degree.

(i) A non-credit remedial course is one for which no credit is given toward a certificate or degree; and

(ii) A reduced credit remedial course is one for which reduced credit is given toward a certificate or degree.

(2) Except as provided in paragraphs (a)(3) and (a)(4) of this section, in determining a student's enrollment status, an institution and the Secretary shall include any non-credit or reduced credit remedial course in which the student is enrolled. The institution shall attribute the number of credit or clock hours to a non-credit or reduced credit remedial course by:

(i) Calculating the number of classroom and homework hours required for that course;

(ii) Comparing those hours with the hours required for non-remedial courses in a similar subject; and

(iii) Giving the remedial course the same number of credit or clock hours it gives the non-remedial course with the most comparable classroom and homework requirements.

(3) When calculating an eligible student's enrollment status, neither an institution nor the Secretary may take into account any non-credit or reduced credit remedial course in a program of instruction leading to a high school diploma or the recognized equivalent of a high school diploma, even if the course is necessary to enable the student to complete a degree or certificate program.

(4) When calculating a student's enrollment status, neither the institution nor the Secretary may take into account more than one academic year's worth of non-credit or reduced credit remedial coursework.

(b) *Combination of regular and correspondence study.* (1) If—in addition to regular coursework—a student takes correspondence courses from either his or her own institution or another institution having an agreement for this purpose with the student's institution, the correspondence work may be included in determining the student's enrollment status to the extent permitted under paragraph (b)(2) of this section.

(2) Except as noted in paragraph (b)(3) of this section, the correspondence work that may be included in determining a student's enrollment status is that amount of work which—

(i) Applies toward a student's degree or certificate or is remedial work taken by the student to help in his or her course of study;

(ii) Is completed within the period of time required for regular course work; and

(iii) Does not exceed the amount of a student's regular course work for the payment period for which the student's enrollment status is being calculated.

(3) Notwithstanding the limitation in subparagraph (b)(2)(iii), a student who would be a half-time student based solely on his or her correspondence work is considered a half-time student unless the calculation in paragraph (b)(2) produces an enrollment status greater than half-time.

(4) The following chart provides examples of the rules set forth in paragraph (b) of this section. It assumes that the institution defines full-time enrollment as 12 credits per term, making the half-time enrollment equal to six credits per term.

Under § 690.8	Number of credit hours regular work	Number of credit hours correspondence work	Total course load in credit hours to determine enrollment status	Enrollment status
(b)(2)(ii)	3	3	6	Half-time.
(b)(2)(iii)	3	6	6	Do.
(b)(2)(iii)	3	9	6	Do.
(b)(2)(ii)	6	3	9	Three-quarter time.
(b)(2)(ii)	6	6	12	Full-time.
(b))(2)(iii) and (b)(3).	2	6	6	Do.

(20 U.S.C. 1070a)

§ 690.9 Written agreements between two or more eligible institutions.

(a) A student who is enrolled in an eligible program at one eligible institution and taking courses at one or more other eligible institutions which apply toward his or her degree or certificate at the first institution may receive Pell Grant assistance for attendance at both institutions only if there is a written agreement between the institutions.

(1) The institution at which the student is enrolled and expects to receive his or her degree or certificate determines and pays the student's Pell Grant assistance. However, the other institution may determine and pay the student's Pell Grant assistance if the institutions agree in writing to that arrangement.

(2) The institution which determines and pays the Pell Grant assistance shall—

(i) Take into account all courses which apply to the student's degree or certificate taken by the student at each eligible institution participating in the agreement when determining the student's enrollment status and cost of attendance; and

(ii) Maintain all records regarding the student's eligibility for and receipt of Pell Grant assistance.

(20 U.S.C. 1070a)

§ 690.10 Administrative cost allowance to participating schools.

(a) Subject to available appropriations, the Secretary pays to

each participating institution $5.00 for each student who receives a Pell Grant at that institution for an award year.

(b) All funds an institution receives under this section shall be used solely for an institution's cost of administering the Pell Grant, Supplemental Educational Opportunity Grant, College Work-Study and National Direct Student Loan programs.

(20 U.S.C. 1096a)

§ 690.11 Pell Grant payments from more than one institution.

A student will not be entitled to receive Pell Grant payments concurrently from more than one institution or from the Secretary and an institution.

(20 U.S.C. 1070a)

Subpart B—Application Procedures for Determining Expected Family Contribution

§ 690.12 Application.

(a) As the first step to receiving a Pell Grant, a student applies on an approved form to the Secretary to have his or her expected family contribution determined. A copy of this form is not acceptable.

(b) The student shall provide the address of his or her residence unless the student is incarcerated and the educational institution has made special arrangements with the Secretary to receive relevant correspondence on behalf of the student. If such an arrangement is made, the student provides the address indicated by the institution.

(c) A student, and where required the student's parents or spouse, shall provide to the institution or the Secretary, a copy of his or her Federal, State, and/or local income tax returns and any other documents, if requested by the Secretary or the institution for verification of the accuracy of the information submitted.

(d) For each award year the Secretary, through publication in the **Federal Register**, establishes deadline dates for submitting these applications and deadline dates for making corrections to the information contained in the applications.

(20 U.S.C. 1070a)

(Approved by the Office of Management and Budget under OMB control number 1840–0110).

§ 690.13 Notification of expected family contribution.

The Secretary sends to each eligible applicant a "Student Aid Report" (SAR) which states the amount of the applicant's expected family contribution (student aid index) and information used in that calculation. If any of the information is incorrect, an applicant must correct it according to procedures established by the Secretary through publication in the **Federal Register**.

(20 U.S.C. 1070a)

(Approved by the Office of Management and Budget under OMB control number 1840–0132).

§ 690.14 Applicant's request for recalculation of expected family contribution because of clerical or arithmetic error.

(a) An applicant may request a recalculation of his or her expected family contribution if he or she believes a clerical or arithmetic error has occurred, or if the information submitted was inaccurate when the application was signed.

(b) A request for recalculation must be made on an approved form and this form must be received by the Secretary no later than the deadline date established by the Secretary through publication in the **Federal Register**.

(20 U.S.C. 1070a)

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Subpart F—Determination of Pell Grant Awards

§ 690.61 Submission process and deadline for student aid report.

(a) *Submission process.* (1)(i) In order to receive a Pell Grant at an RDS institution, a student must submit a valid Student Aid Report (SAR) to that institution.

(ii) In order to receive an initial Pell Grant payment for an award year at an ADS institution, a student must submit a valid SAR to that institution and must submit both that SAR and an ED Form 304 to the Secretary.

(iii) In order to receive subsequent Pell Grant payments at an ADS institution, the student must submit an ED Form 304–1 to the Secretary.

(2) The SAR is considered valid only if all information used in the calculation of the student aid index was complete and accurate when the application was signed. An institution is entitled to rely on SAT information except under conditions set forth in §§ 690.77, 690.96 and 668.16(f).

(b) *Student Aid Report deadline.* (1) Except as noted in §§ 690.77 and 690.96, to receive a Pell Grant for an award year, a student must submit the relevant parts of the SAR to his or her institution by June 30 of that award year.

(2) Except as noted in § 690.77, to receive a Pell Grant for an award year, a student must submit the relevant parts of the SAR to an institution while he or she is still enrolled and eligible for payment at that institution.

(c) *ED Form 304 and ED Form 304–1 deadlines.* (1) In order to receive the first Pell Grant payment for an award year, a student attending an ADS institution must submit a certified ED Form 304 together with a valid SAR to the Secretary by July 15 of the subsequent award year.

(2) In order to receive additional Pell Grant payments for an award year, a student attending an ADS institution must submit additional requests for payment and/or corrected ADS Student Reports (ED Form 304–1) to the Secretary by August 26 of the subsequent award year.

(20 U.S.C. 1070a)

§ 690.62 Calculation of a Pell Grant.

(a) The amount of a student's Pell Grant for an academic year is based upon the payment and disbursement schedules published by the Secretary for each award year.

(b) At full funding, no payment may be made to a student if the student's Scheduled Pell Grant is less than $200.

(c) At less-than-full-funding, no payment may be made if—

(1) The student's Scheduled Pell Grant is less than $50; or

(2) The student's Scheduled Pell Grant at full funding would have been less than $200.

(20 U.S.C. 1070a(a)(2))

§ 690.63 Calculation of a Pell Grant for a payment period.

(a) At an institution using semesters, trimesters, quarters, or other academic terms and measuring progress by credit hours, a student's Pell Grant for each payment period is calculated by—

(1) Determining his or her enrollment status for the term;

(2) Based upon that enrollment status, determining his or her annual award from the Payment Schedule (full-time students), or one of the Disbursement Schedules (part-time students), as appropriate; and

(3)(i) Dividing the amount determined in paragraph (a)(2) of this section by the number of terms in the academic year unless the terms of an RDS institution are not of equal length; or

(ii) If the terms of an RDS institution are not of equal length, multiplying the amount determined in paragraph (a)(2) by the following fraction:

$$\frac{\text{The length of the term in question}}{\text{The length of the academic year}}$$

(b) A single disbursement may not exceed 50 percent of the award

determined in paragraph (a)(2). To ensure this result, an institution must make multiple disbursements within a term, if that term is longer than half the academic year. Subsequent disbursements within that term cannot be made until the student has completed the portion of the term for which he was initially paid.

(c) At an institution which measures progress by clock hours or which measures progress by credit hours or units but does not use semesters, trimesters, quarters or other academic terms, a student's Pell Grant for each payment period is calculated by:

(1) Determining the student's Scheduled Pell Grant; and

(2) Multiplying the Scheduled Pell Grant by:

$$\frac{\text{The number of credit or clock hours the student is expected to take in a payment period}}{\text{The number of credit or clock hours in an academic year}}$$

(d) Notwithstanding paragraphs (a), (b), and (c) of this section—

(1) A student may not receive a Pell Grant if the amount which the student would receive, projected on the basis of a full academic year, would be less than either $200 at full funding or $50 at less than full funding; and

(2) The amount of a student's award for an award year may not exceed his or her Scheduled Pell Grant award for that award year.

(20 US.C. 1070a)

§ 690.64 Calculation of a Pell Grant for a payment period which occurs in two award years.

(a) If a student enrolls in a payment period which is scheduled to occur in two award years—

(1) The entire payment period shall be considered to occur within one award year.

(2) The institution shall determine for each Pell Grant recipient the award year in which the payment period will be placed subject to the restrictions set forth in paragraph (a)(3) of this section.

(3)(i) The institution shall place a payment period with more than six months scheduled to occur within one award year in that award year; and (ii) For an ADS institution, the determination made in paragraph (a)(2) of this section shall be the same for all Pell Grant recipients enrolled in the same academic program who begin a payment period on the same day.

(4) If an institution places the payment period in the first award year, it shall pay a student with funds from the first award year.

(5) If an institution places the payment period in the second award year, it shall pay a student with funds from the second award year.

(b) An institution may not make a payment which will result in the student receiving more than his or her Scheduled Pell Grant for an award year.

(c)(1) If a term-based institution offers a series of mini-sessions which occurs in two award years, the combined sessions will be treated as one term. A student may not receive more than one term's award for completing any combination of these mini-sessions.

(2) For such mini-sessions, a term-based institution shall determine the student's enrollment status for the entire term. That enrollment status shall be based upon—

(i) The total number of credits enrolled for in all sessions if that number is known when the award is calculated; or

(ii) A projected number of credits based upon the credits enrolled for in the first session, if the number of credits to be taken in subsequent sessions is unkown when the award is calculated.

(20 U.S.C. 1070a)

§ 690.65 Transfer student: Attendance at more than one institution during an award year.

(a)(1) If a student who receives a Pell Grant at one institution subsequently enrolls at a second institution in the same award year, the student must submit an SAR to the second institution to receive a grant at the second institution. (The institution shall follow the procedures regarding transfer students set forth in 34 CFR 668.14.)

(2) If the second institution is an ADS institution, the student must submit an SAR to that institution and that SAR and a certified ED Form 304 and/or ED Form 304–1 to the Secretary.

(b) The second institution (or the Secretary for an ADS institution) calculates the student's award according to § 690.63.

(c) The second institution (or the Secretary for an ADS institution) pays a Pell Grant for only that portion of the award year in which a student is enrolled at that institution. The grant amount shall be adjusted if necessary to ensure that the grant does not exceed the student's Scheduled Pell Grant for that award year.

(d) If a student's Scheduled Pell Grant at the second institution differs from the Scheduled Pell Grant at the first institution, the grant amount at the second institution is calculated as follows:

(1) The amount received at the first institution is compared to the Scheduled Pell Grant at the first institution to detemine the percentage of the Scheduled Pell Grant that the student has received;

(2) That percentage is subtracted from 100 percent, and

(3) The remaining percentage is the percentage of the Scheduled Pell Grant at the second institution to which the student is entitled.

(e) A transfer student shall repay any amount received in an award year which exceeds his or her Scheduled Pell Grant.

(20 U.S.C. 1070a)

§ 690.66 Correspondence study.

A student enrolled in an eligible program of study by correspondence shall be paid according to the following procedures:

(a) The institution shall determine the length of each correspondence program it offers by preparing a written schedule for submission of lessons, reflecting a workload of at least 12 hours of preparation per week.

(b)(1) If there is not a required period of residential training in the program, a student's Pell Grant for an academic year is calculated by—

(i) Determining the student's Scheduled Pell Grant;

(ii) Multiplying the Scheduled Pell Grant by one-half; and

(iii) If the length of the program is less than an academic year, multiplying the amount calculated in paragraph (b)(1)(ii) by the following fraction:

$$\frac{\text{number of hours of preparation in the program}}{\text{number of hours of preparation in the academic year}}$$

(2) An academic year shall consist of two payment periods. The first payment period is the period of time in which the student completes the first half of his or her academic year, or program if the program is less than an academic year. The second payment period is the period of time in which the student completes the second half of the academic year or program.

(3) For the first payment period, the institution shall pay the student one-half of the amount calculated in paragraph (b)(1)(ii) or (b)(1)(iii) of this section after he or she has submitted 25 percent of the lessons or otherwise completed 25 percent of the work scheduled for the academic year, or for the program if the program is less than an academic year.

(4) The institution shall make the final payment for the second payment period after the student has submitted 75 percent of the lessons or otherwise completed 75 percent of the work scheduled for the academic year or for the program.

(c)(1) If there is a required period of residential training in the program, a student's Pell Grant for an academic year is calculated by—

(i) Determining the student's Scheduled Pell Grant;

(ii) Multiplying the Scheduled Pell Grant by one-half; and

(iii) If the length of the non-residential portion of the program is less than an academic year, multiplying the amount calculated in paragraph (c)(1)(ii) by the following fraction:

$$\frac{\text{number of hours of preparation in the non-residential portion of the program}}{\text{number of hours in the academic year}}$$

(2) The non-residential portion of an academic year shall consist of two payment periods. The first payment period is the period of time in which the student completes the first half of his or her academic year or the non-residential portion of the program if it is less than an academic year. The second payment period is the period of time in which the student completes the second half of the acedamic year or non-residential portion of the program.

(3) For the first payment period, the institution shall pay the student one-half of the amount calculated in paragaph (c)(1)(ii) or (c)(1)(iii) of this section after he or she has submitted 25 percent of the non-residential lessons or otherwise completed 25 percent of the work scheduled for the academic year, or for the program if the program is less than an academic year.

(4) The institution shall make the final payment (for the non-residential portion of the program) for the second payment period after the student has submitted 75 percent of the non-residential lessons or otherwise completed 75 percent of the work scheduled for the academic year or for the program.

(5) A student's Pell Grant disbursement for the residential portion of the program is calculated according to the procedures in § 690.63(c) for a student enrolled in a regular course of study at an institution that measures progress by clock hours.

(20 U.S.C. 1070a)

Subpart G—Administration of Grant Payments—Regular Disbursement System (RDS)

§ 690.71 Scope.

This subpart deals with program administration by an RDS institution of higher education. An RDS institution enters into a program participation agreement with the Secretary so that it may calculate and pay Pell Grant awards to students.

(20 U.S.C. 1070a)

§ 690.72 Institutional participation agreement—Regular Disbursement System (RDS).

(a) The Secretary may enter into an agreement with an institution of higher education under which it will calculate and pay Pell Grant awards to its students. This RDS agreement is on a standard form provided by the Secretary which contains the necessary terms to carry out this part.

(b) The Secretary will send Payment and Disbursement Schedules for each award year to an RDS institution that has entered into an agreement under paragraph (a) of this section.

(20 U.S.C. 1070a)

§ 690.73 Termination of institutional participation agreement—Regular Disbursement System (RDS).

(a) *Termination by the Secretary:* The Secretary may terminate the agreement with an RDS institution by giving the institution—

(1) 30 days written notice; or

(2) Less than 30 days written notice if shorter notice is necessary to prevent the likelihood of a substantial loss of funds to the Federal government or to students.

(b) An RDS institution shall provide the following information to the Secretary if the Secretary terminates the agreement:

(1) The name and enrollment status of each eligible student who submitted a valid SAR to the institution before the termination date;

(2) The amount of funds the institution paid to Pell Grant recipients for the award year in which the agreement is terminated:

(3) The amount due to each student eligible to receive a Pell Grant through the end of the award year; and

(4) An accounting of Pell Grant expenditures to the date of termination.

(c) *Termination by the institution:* An RDS institution may terminate the agreement by giving the Secretary written notice. The termination becomes effective on June 30 of that award year. The institution shall carry out the agreement for the remainder of that award year.

(d) *Termination because of a change in ownership which results in a change of control:* The RDS agreement automatically terminates when an RDS institution changes ownership which results in a change of control. The Secretary enters into an RDS agreement with the new owner if the institution complies with requirements set forth in Subpart B of the Student Assistance General Provisions (34 CFR Part 668).

(e) If an RDS agreement is terminated, the institution's eligibility to participate in the Pell Grant Program as discussed in § 690.7 is not terminated, but the Secretary will pay that institution's students ONLY if the institution enters into an ADS agreement.

(20 U.S.C. 1070a)

§ 690.74 Provision of funds to institutions.

The Secretary provides funds to an RDS institution for each award year in advance or by way of reimbursement during the course of that year, based on the Secretary's determination of the institution's need for funds to pay Pell Grants or its need for reimbursement for Pell Grants already paid.

(20 U.S.C. 1070a)

§ 690.75 Determination of eligibility for payment.

(a) For each payment period, an institution may pay a Pell Grant to an eligible student only after it has been determined that the finanical aid transcript requirements of 34 CFR Part 668 have been met, and the student—

(1) Has filed with the institution a signed Statement of Educational Purpose/Registration Compliance as required by 34 CFR Part 668;

(2) Is maintaining satisfactory progress in his or her course of study;

(3) Is not in default on any National Defense/Direct Student Loan made by that institution or on any Guaranteed Student Loan or PLUS Loan received to meet the cost of attendance at that institution;

(4) Is not, as a parent of another student, in default on a PLUS Loan received to meet the cost of attendence at that institution; and

(5) Does not owe a refund on a Pell Grant, a Supplemental Educational Opportunity Grant, or a State Student Incentive Grant received to meet the cost of attendance at that institution.

(b) If an eligible student submits an SAR to the institution and becomes ineligible before receiving a payment, the institution shall pay the student only the amount which it determines could have been used for educational

purposes before the student became ineligible.

(c) If an institution determines at the beginning of a payment period that a student is not maintaining satisfactory progress, but reverses that determination BEFORE the end of the payment period, the institution may pay a Pell Grant to the student for the entire payment period.

(d) If an institution determines at the beginning of a payment period that a student is not maintaining satisfactory progress, but reverses that determination AFTER the end of the payment period, the institution may neither pay the student a Pell Grant for that payment period nor make adjustments in subsequent Pell Grant payments to compensate for the loss of aid for that period.

(e) Conditions under which students who are overpaid grants may continue to receive Pell Grants are as follows:

(1) *Overpayment of a Pell Grant:* If an institution makes an overpayment of a Pell Grant to a student, it may continue to make Pell Grant payments to that student if:

(i) The student is otherwise eligible; and

(ii) The institution can eliminate the overpayment in the award year in which it occurred by adjusting subsequent Pell Grant payments for that award year.

(2) *Overpayment of a Pell Grant due to institutional error:* In addition to the exception provided in paragraph (e)(1) of this section, if the institution makes an overpayment of a Pell Grant to a student as a result of its own error, it may continue to make payments to that student if:

(i) The student is otherwise eligible; and

(ii) The student acknowledges in writing the amount of overpayment and agrees to repay it in a reasonable period of time.

(3) *Overpayment on a Supplemental Educational Opportunity Grant:* An institution may continue to make Pell Grant payments to a student who receives an overpayment on a Supplemental Grant if:

(i) The student is otherwise eligible; and

(ii) The institution can eliminate the overpayment by adjusting subsequent financial aid payments (other than Pell Grants) in the same award year in which the overpayment occurred.

(f) An institution, in determining whether a student is in default on a loan made under the Guaranteed Student Loan Program/PLUS Loan Program or a loan made to the student as a parent of another student under the PLUS Loan Program, may rely upon the student's written statement that he or she is not in default unless the institution has information to the contrary.

(g) Conditions under which students may receive Pell Grants when they are in default on loans made for attendance at an institution are as follows:

(1) *Guaranteed Student Loans and PLUS Program Loans.* An institution may pay a Pell Grant to a student who is in default on a Guaranteed Student Loan or a PLUS Loan if the Secretary (in the case of a federally guaranteed loan) or a guarantee agency (in the case of a loan guaranteed by that guarantee agency) determines that the student has made satisfactory arrangements to repay the defaulted loan.

(2) *National Defense/Direct Student Loan.* An institution may pay a Pell Grant to a student who is in default on a National Defense/Direct Student Loan made at that institution, if the student has made arrangements, satisfactory to the institution, to repay the loan.

(3) The Secretary does not consider a loan made under the National Defense Student Loan, National Direct Student Loan, Guaranteed Student Loan, or PLUS Loan programs, which has been discharged in bankruptcy, to be in default for purposes of this section.

(20 U.S.C. 1070a)

§ 690.76 Frequency of payment.

(a) In each payment period, an institution may pay a student at such times and in such installments as it determines will best meet the student's needs.

(b) The institution may pay funds due a student for any completed period in one lump sum. The student's enrollment status shall be determined according to work already completed.

(20 U.S.C. 1070a)

§ 690.77 Verification of information on the SAR—withholding of payments.

(a)(1) The Secretary may require that a student verify the information submitted on the application and included on the SAR by submitting appropriate documentation to the institution or to the Secretary.

(2) The Secretary may also require that the institution withhold payment of a student's grant until the institution or the Secretary determines that the student has supplied the correct information.

(b) If an institution believes that any information on the SAR used in calculating the student's expected family contribution is inaccurate, or if the application is chosen by the Secretary for verification, the institution shall request that the student verify the information on the SAR.

(c)(1) If as a result of the verification process the SAR needs to be corrected, the student must correct the SAR by—

(i) Putting accurate information on the SAR;

(ii) Getting the appropriate signatures on the SAR; and

(iii) Resubmitting on SAR to the Secretary.

(2) The student must submit the corrected SAR to the institution and the institution must recalculate the student's award based on this verified SAR. Any overpayment must be repaid by the student.

(d)(1) If an institution has documentation which indicates the information on the SAR used to calculate the student's award for any award year is inaccurate, it may not pay a Pell Grant for any award year until the student corrects or verifies the data and repays any overpayment.

(2) If an institution believes, but cannot document, that discrepancies exist on the SAR, it may not withhold payment unless authorized by the Secretary.

(3) If the student has received funds based on information which may be incorrect and the institution has made a reasonable effort to resolve the alleged discrepancy, but cannot, the institution shall forward the student's name, social security number, and other relevant information to the Secretary.

(4) The Secretary will not process any other Pell Grant application for a student that has been requested to provide information until the student provides the documentation or the Secretary decides there is no longer a need for the documentation.

(e)(1) If the Secretary requests documentation, the student must comply within a time period set by the Secretary through publication in the **Federal Register.**

(2) If the student provides the requested documentation, and if necessary, a reprocessed and verified SAR on time, he or she is eligible for a Pell Grant.

(f)(1) A student may submit a verified SAR to the institution after the appropriate deadline specified in § 690.61 but within an estabished additional time period set by the Secretary through publication in the **Federal Register.** If a verified SAR is submitted to the institution during the period permitted by the Secretary after the appropriate deadline specified in § 690.61, payment will be based on—

(i) The original SAR, if the student aid index on the verified SAR is lower than the student on the original SAR, or

(ii) The verified SAR, if the student aid index on the verified SAR is higher than the student aid index on the original SAR.

(2) If the student does not provide the requested documentation, and if necessary, a reprocessed verified SAR, within the period established in paragraph (f)(1) of this section—

(i) The student forfeits the Pell Grant for the award year; and

(ii) Any grant payments the student previously received for that award year shall be returned to the Secretary.

(g) For situations, including but not limited to suspected fraud or abuse, the Secretary may determine not to process any Pell Grant application for a student until that student has verified the information about which there is a discrepancy or the Secretary decides there is no longer a need for verification.

(20 U.S.C. 1070a)

§ 690.78 Method of disbursement—by check or credit to a student's account.

(a) The institution may pay a student either directly by check or by crediting his or her account with the institution. The institution must notify the student of the amount he or she can expect to receive, and how that amount will be paid.

(b) (1) The institution may not make a payment to a student for a payment period until the student is registered for classes for that period.

(2) The earliest an institution can directly pay a registered student is 10 days before the first day of classes of a payment period.

(3) The earliest an institution may credit a registered student's account is three weeks before the first day of classes of a payment period.

(c) The institution shall return to the Pell Grant account any funds paid to a student who, before the first day of classes—

(1) Officially or unofficially withdraws; or

(2) Is expelled.

(d)(1) If an institution intends to pay a student directly, if shall notify him or her before the payment is made when it will pay the Pell Grant award.

(2) If a student does not pick up the check on time, the institution shall still pay the student if he or she requests payment within 15 days after the last date that his or her enrollment ends in that award year.

(3) If the student has not picked up his or her payment at the end of the 15 day period, the institution may credit the student's account for any amount owed to the institution for the award year.

(4) A student forfeits the right to receive the payment if he or she does not pick up a payment by the end of the 15 day period.

(5) Notwithstanding paragraph (d)(4) of this section, the institution may, if it chooses, pay a student who did not pick up his or her payment, through the next payment period.

(20 U.S.C. 1070a)

§ 690.79 Recovery of overpayments.

(a)(1) The student is liable for any Pell Grant overpayment made to him or her.

(2) The institution is liable for any overpayment if the overpayment occurred because the institution failed to follow the procedures set forth in this Part. The institution shall restore those funds to its Pell Grant account even if it cannot collect the overpayment from the student.

(b) If an institution makes an overpayment for which it is not liable, it must help the Secretary recover the overpayment by—

(1) Making a reasonable effort to contact the student and recover the overpayment; and, if unsuccessful,

(2) Providing the Secretary with the student's name, social security number, amount of overpayment, and other relevant information.

(c) If an institution refers a student who received an overpayment for which it is not liable to the Secretary for recovery, the student remains ineligible for further Title IV student financial assistance for attendance at that institution until final resolution of the overpayment.

(20 U.S.C. 1070a)

§ 690.80 Recalculation of a Pell Grant award.

(a) *Change in expected family contribution.* (1) The institution shall recalculate a Pell Grant award for the entire award year if the student's expected family contribution changes at any time during the award year. The change may result from—

(i) The correction of a clerical or arithmetic error under § 690.14;

(ii) Extraordinary circumstances which affect the expected family contribution under § 690.39 or § 690.48; or

(iii) A correction based on information required in § 690.12 or § 690.77.

(2) Except as described in § 690.77(f)(1), the institution shall adjust the student's award when an overaward or underaward is caused by the change in the expected family contribution. That adjustment shall be made—

(i) Within the same award year—if possible—to correct any overpayment or underpayment; or

(ii) During the next award year to correct any overpayment that could not be adjusted during the year in which the student was overpaid.

(b) *Change in enrollment status.* (1) If the student's enrollment status changes from one payment period to another payment period within the same award year, the institution must recalculate the Pell Grant award for the new payment period taking into account any changes in the cost of attendance.

(2)(i) If the student's projected enrollment status changes during a payment period after the student has begun attendance in all of his or her classes for that payment period, the institution may (but is not required to) establish a policy under which the student's award for the payment period is recalculated. Any such recalculations shall take into account any changes in the cost of attendance. If such a policy is established, it must apply to all students.

(ii) If a student's projected enrollment status changes during a payment period before the student begins attendance in all of his or her classes for that payment period, the institution shall recalculate the student's enrollment status to reflect on those classes for which the student actually began attendance.

(c) *Change in cost of attendance.* If the student's cost of attendance changes at any time during the award year and his or her enrollment status remains the same, the institution may (but is not required to) establish a policy under which the student's award for the payment period is recalculated. If such a policy is established, it must apply to all students.

(20. U.S.C. 1070a)

§ 690.81 Fiscal control and fund accounting procedures.

(a)(1) An institution must establish and maintain on a current basis financial records that reflect all program transactions. The institution must establish and maintain general ledger control accounts and related subsidiary accounts that identify each program transaction and separate those transactions from all other institutional financial activity.

(2) The institution shall account for the receipt and expenditure of Pell Grant funds in accordance with generally accepted accounting principles.

(b) A separate bank account for Pell Grant funds is not required. However, the institution shall notify any bank in which it deposits Pell Grant funds of all accounts in that bank in which it deposits Federal funds. This notice shall be given by including in the name of each such account that Federal funds are deposited therein.

(c) Except for funds received for administrative expenses, funds received by an institution under this part may be used only to pay Pell Grants to students. The funds are held in trust by the institution for the intended student beneficiaries and may not be used or hypothecated for any other purpose.

(20 U.S.C. 1070a)

§ 690.82 Maintenance and retention of records.

(a) Each institution shall maintain adequate records (including those related to verification) which include the fiscal and accounting records that are required under § 690.81, records required for audits in 34 CFR 668.20, the Student Aid Report of each student applying for a Pell Grant, and records indicating—

(1) The eligibility of all enrolled students who have submitted valid SARs to the institution;

(2) The name and social security number of and the amount paid to each student;

(3) The amount and date of each payment;

(4) The amount and date of any overpayment that has been restored to the program account;

(5) Each student's cost of attendance;

(6) How each student's full or part-time enrollment status was determined; and

(7) Each student's enrollment period.

(b)(1) The institution shall make the records listed in paragraph (a) of this section available for inspection by the Secretary's authorized representative at any reasonable time in the institution's offices. It shall keep the records for each award year for five years after that award year has ended.

(2) For any disputed expenditures in any award year for which the institution cannot provide records, the Secretary shall determine the final authorized level of expenditures.

(c) The institution shall keep records involved in any claim or expenditure questioned by Federal audit until resolution of any audit questions.

(d) An institution may substitute microform copies in lieu of original records in meeting the requirements of this section.

(20 U.S.C. 1070a)

(Approved by the Office of Management and Budget under OMB Control number 1840–0132)

§ 690.83 Submission of reports.

An institution shall submit in accordance with deadline dates established by the Secretary, through publication in the **Federal Register**, the reports and information the Secretary requires in connection with the funds advanced to it and must comply with the procedures the Secretary finds necessary to ensure that the reports are correct.

(20 U.S.C. 1070a)

(Approved by the Office of Management and Budget under OMB Control numbers 1840–0013 and 1840–0055)

Subpart H—Administration of Grant Payments—Alternate Disbursement System (ADS)

§ 690.91 Scope.

This subpart deals with program administration by an ADS institution of higher education. Under the ADS, the Secretary calculates and pays the Pell Grant awards to students.

(20 U.S.C. 1070a)

§ 690.92 Institutional participation agreement—Alternate Disbursement System (ADS).

(a) The Secretary may enter into an agreement with an institution of higher education under which the Secretary will calculate and pay Pell Grant awards to students enrolled at that institution based upon the information provided to the Secretary by the institution and the student.

(b) The agreement is on a standard form provided by the Secretary and contains the necessary terms to carry out this subpart.

(20 U.S.C. 1070a)

§ 690.93 Disbursement system changes.

(a) *Change to Regular Disbursement System (RDS).* (1) The Secretary may allow an ADS institution to change its method of participation in the Pell Grant Program to the Regular Disbursement System (RDS).

(2) In order to make the change, the institution shall—

(i) Notify the Secretary no later than January 1 of its desire to make the change for the succeeding award year;

(ii) Submit all required reports by April 30; and

(iii) Sign a new participation agreement.

(3) If the Secretary agrees to the change, the new participation agreement goes into effect on July 1 of the succeeding award year.

(b) *Voluntary change to the Alternate Disbursement System (ADS).* (1) The Secretary may allow an RDS institution to voluntarily change its method of participation in the Pell Grant Program to the ADS.

(2) In order to make the change, the institution shall—

(i) Notify the Secretary no later than January 1 of its desire to make the change for the succeeding award year;

(ii) Submit all required reports through the February 15 Progress Report for that award year by April 30; and

(iii) Sign a new participation agreement.

(3) If the Secretary agrees to the change, the new participation agreement goes into effect on July 1 of the succeeding award year.

(c) *Change to ADS after termination of RDS agreement.* If the institution's RDS agreement is terminated by the Secretary according to § 690.73(a), the Secretary may allow the institution to enter into an ADS agreement.

(20 U.S.C. 1070a)

§ 690.94 Termination of agreement—alternate disbursement system.

(a) *Termination by the Secretary.* The Secretary may terminate the agreement with an institution according to the procedures established by Subpart G of the Student Assistance General Provisions (34 CFR Part 668).

(b) *Termination by the institution.* The institution may terminate the agreement by giving the Secretary written notice. The termination becomes effective on June 30 of the award year in which the institution provides the written notice. The institution must carry out the agreement for the remainder of the award year.

(c) *Termination because of change in the ownership that results in a change of control.* (1) The agreement terminates when an institution undergoes a change of ownership that results in a change of control.

(2) The Secretary may enter into an agreement with the new owner after the institution complies with the requirements of § 668.18 of the Student Assistance General Provisions regulations (34 CFR Part 668.18).

(d) *Limitation of agreement.* (1) Instead of terminating the agreement, the Secretary and the institution may jointly agree to limit the agreement.

(2) The Secretary may limit the agreement in accordance with Subpart G of the Student Assistance General Provisions 34 CFR 668.71–668.88.

(20 U.S.C. 1070a)

§ 690.95 General procedures for receiving payment.

An eligible student attending an ADS institution applies for and receives a Pell Grant as follows:

(a)(1) The student submits a Student Aid Report (SAR) to the institution within the deadline date for submitting the SAR to the institution set forth in

§ 690.61(b) and the limitation set forth in § 690.61(c).

(b)(1) Upon receipt of an SAR, the institution shall give the student a Pell Grant Request for Payment Form (ED Form 304) which the student uses to request a Pell Grant payment from the Secretary.

(2)(i) On the ED Form 304, the student shall provide his or her name, social security number and address. The address provided by the student shall be his or her residence and not the address of the institution, unless the student resides at the school or is incarcerated; in which case the student may use the institution's address; and

(ii) The student shall sign the Statement of Educational Purpose/ Registration Compliance (This statement is the same statement set forth in 34 CFR Part 668).

(3) On the ED Form 304, the institution provides information regarding a student's eligibility to receive a Pell Grant, as well as the student's enrollment status, cost of attendance and dates of attendance.

(4) With regard to the student's eligibility for a Pell Grant, the institution shall determine that the student—

(i) Has presented a valid SAR to the institution as required by § 690.61;

(ii) Has met the eligibility requirements set forth in § 690.4;

(iii) Is maintaining satisfactory academic progress in his or her course of study;

(iv) Is not is default on—

(A) A National Defense/Direct Student Loan made by the institution;

(B) A Guaranteed Student Loan or PLUS Program Loan received for attendance at that institution; or

(C) A PLUS Program Loan received by the student as a parent of another student for attendance at that institution; and

(v) Does not owe a refund on a Pell Grant, a Supplemental Grant, or a State Student Incentive Grant received for attendance at that institution. (In determining whether the student owes a refund on a grant, the institution is entitled to rely on information in its possession).

(5) If an institution determines that, at the beginning of a payment period, the student is not maintaining satisfactory academic progress, but reverses the determination BEFORE the end of the payment period, the institution may certify ED Form 304 for the entire payment period.

(6) If an instution determines that, at the beginning of a payment period, the student is not maintaining satisfactory academic progress, but reverses the determination AFTER the end of the payment period, the institution may not certify ED Form 304 for that payment period. The Secretary will not make adjustments in subsequent Pell Grant payments to compensate for the loss of Pell Grant aid for that payment period.

(c) If the institution determines that the student has a valid SAR and is eligible for a Pell Grant, it certifies the accuracy of the information it provides on the ED Form 304 and returns the SAR and the certified ED Form 304 to the student.

(d) The student shall submit both the valid SAR And the certified ED Form 304 to the Secretary before the deadline date established in § 690.61.

(e) Upon receipt of the SAR and the certified ED Form 304 the Secretary calculates a student's award in accordance with Subpart F of this part.

(f)(1) In each payment period, the Secretary pays a student at such times and in such installments as the Secretary determines will best meet the student's needs.

(2) The Secretary makes only one payment to a student if a portion of an academic year occurring within one award period is less than three months.

(3) The Secretary may pay funds due a student for any completed period of enrollment in one lump sum. The student's enrollment status for that period will be determined according to work already completed.

(g)(1) The Secretary also sends the student an ADS Student Report (ED Form 304–1). This form—

(i) Notifies the student of the amount of his or her Scheduled Pell Grant, the amount of expected disbursement, and the amount of the first payment and

(ii) Is used to request subsequent payments from the Secretary during the award year.

(2) The institution shall provide the information requested on the ED Form 304–1 and shall certify that the information included on the ED Form 304–1 is accurate and that the student is eligible for payment.

(3) The student shall submit the certified ED Form 304–1 to the Secretary to receive an additional grant payment before the deadline date established in § 690.61.

(20 U.S.C. 1070a)

§ 690.96 Verification of information on the SAR.

(a) An institution shall require a student to verify the information included on his or her SAR if—

(1) Directed to do so by the Secretary;

(2) The institution has documentation which indicates that the information on the SAR used to calculate the student's award is inaccurate; or

(3) The institution believes, but does not have documentation, that the information on the SAR used to calculate the student's award is inaccurate.

(b)(1) If the institution requests that the student verify the information on his or her SAR for the reasons stated in paragraph (a) (1) or (2) of this section, it may not certify the student's ED Form 304 until it is satisfied that the information on the SAR is correct.

(2) If the institution requests that the student verify the information on his or her SAR for the reason stated in paragraph (a)(3) of this section, it shall—

(i) Certify ED Form 304; and

(ii) Notify the Secretary.

(c)(1) If, as a result of the verification process, the SAR needs to be corrected, the student shall correct the SAR by—

(i) Putting accurate information on the SAR;

(ii) Getting the necessary signatures on the SAR; and

(iii) Resubmitting the SAR to the Secretary.

(2) The student must resubmit the reprocessed SAR he or she receives to the institution.

(3) The institution shall certify ED Form 304 if it is satisfied that the information on the resubmitted SAR is accurate.

(d)(1) If a student submits the verified SAR to the institution before the appropriate deadline specified in § 690.61, the Secretary pays the student the amount of the payment based on the verified SAR.

(2) The student may submit the verified SAR to the institution after the appropriate deadline specified in § 690.61, but within an established additional time period set by the Secretary through publication in the **Federal Register.** When the verified SAR is submitted to the institution during the established period after the deadline, payment will be based on—

(i) The original SAR, if the student aid index on the verified SAR is lower than the student aid index on the original SAR, or

(ii) The verified SAR, if the student aid index on the verified SAR is higher than the student aid index on the original SAR.

(3) If the student does not provide the requested documentation, and if necessary a reprocessed, verified SAR, within the established time period—

(i) The student forfeits the Pell Grant for the award year; and

(ii) Any grant payments the student previously received for that award year shall be returned to the Secretary.

(e) For situations, including but not limited to suspected fraud or abuse, the Secretary may determine not to process any Pell Grant application for a student until that student has verified the information about which there is a discrepancy or the Secretary decides there is no further need for verification.

(20 U.S.C. 1070a)

§ 690.97 Withdrawals and refunds.

(a)(1) The institution shall notify the Secretary of the date that a student officially or unofficially withdraws or is expelled for a payment period for which the student was paid.

(2) If the institution also participates in any other title IV programs, the institution shall comply with § 668.21 of the Student Assistance General Provisions regulations and provide the Secretary with the information required by § 668.21(a)(3).

(3) For purposes of this section, the date of a student's unofficial withdrawal shall be determined under § 668.21(c)(4).

(b) If the date provided by the institution under paragraph (a) of this section is before the mid-point of the payment period for which the student has been paid, the student shall refund a prorated portion of the payment as determined by the Secretary.

(20 U.S.C. 1070a)

§ 690.98 Recovery of overpayments.

(a) The student is liable for any overpayment made to him or her.

(b)(1) The institution is liable for any overpayment made to a student by the Secretary on the basis of inaccurate information provided by the institution.

(2) The institution shall repay to the Secretary the amount of the overpayment for which it is liable even if the overpayment cannot be collected from the student.

(c) If an overpayment is made for which the institution is not liable, the institution shall help the Secretary to recover the overpayment by providing the Secretary with the student's name, social security number, and most recent address, and other relevant information.

(20 U.S.C. 1070a)

§ 690.99 Recalculation of a Pell Grant award.

(a)(1) If the student's expected family contribution changes, the Secretary recalculates his or her Pell Grant award.

(2) The Secretary adjusts the award and pay the student the amount he or she is entitled to for the award year if the expected family contribution is recalculated because of—

(i) A clerical or arithmetic error as described in § 690.13; or

(ii) Extraordinary circumstances which affect the expected family contribution as described in §§ 690.39 and 690.48.

(3) If a student's expected family contribution is recalculated because of a correction of the information requested under § 690.96, the student's grant for the award year is adjusted by the Secretary as provided for in § 690.96. Where possible, the adjustment is made within the same award year.

(4) If the recalculation takes place in a subsequent award year, the student is—

(i) Eligible to receive payment unless prohibited under the provisions of § 690.96; and

(ii) Required to return any overpayment.

(20 U.S.C. 1070a)

§ 690.100 Maintenance and retention of records.

(a) An institution shall establish and maintain the following:

(1) The Student Aid Report for each student;

(2) A copy of ED Form 304 and Form 304–1 that the institution certifies for each student;

(3) The name and social security number of each student;

(4) The student's cost of attendance;

(5) How the student's full or part-time enrollment status was determined;

(6) The student's enrollment period;

(7) Information collected in compliance with § 690.96; and

(8) Information necessary to determine whether the student was eligible to receive a Pell Grant.

(b)(1) For each of its Pell Grant recipients an institution shall maintain records which are—

(i) Sytematically organized;

(ii) Maintained for five years after the award year in which the recipient ceased enrollment; and

(iii) Readily available for review by the Secretary or a designated ED official at the geographical location where the student is to receive a degree or certificate of program or course completion.

(2) An institution may substitute micro-file copies for original records in meeting the requirements of this section.

(20 U.S.C. 1070a)

(Approved by the Office of Management and Budget under OMB control numbers 1840–0132, 1840–0063 and 1840–0008)

§ 690.101 Submission of reports.

An institution shall submit any reports and information the Secretary requires in connection with the participation of an institution in the Alternate Disbursement System.

20 U.S.C. 1070a)

(Approved by the Office of Management and Budget under OMB control number 1840–0025)

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H.R. 3867 / Pub. L. 98-273

To amend the Perishable Agricultural Commodities Act, 1930, by impressing a trust on the commodities and sales proceeds of perishable agricultural commodities for the benefit of the unpaid seller, and for other purposes. (May 7, 1984; 98 Stat. 165) Price: $1.50

H.J. Res. 478 / Pub. L. 98-274

Designating the week of April 29 through May 5, 1984, as "National Week of the Ocean". (May 7, 1984; 98 Stat. 167) Price: $1.50

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