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federal register

Wednesday
May 30, 1984

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Environmental Protection Agency

Animal Drugs
Food and Drug Administration

Antidumping
International Trade Administration

Communications Equipment
Federal Communications Commission

Community Development
Economic Development Administration

Consumer Protection
Consumer Product Safety Commission

Countervailing Duties
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Crop Insurance
Federal Crop Insurance Corporation

Food Additives
Food and Drug Administration

Fuel Economy
National Highway Traffic Safety Administration

Government Contracts
Labor Department

Government Procurement
General Services 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 5200 of May 25, 1984

National Digestive Diseases Awareness Week, 1984

By the President of the United States of America

A Proclamation

Digestive diseases rank third in the total economic burden of illness in the United States. In terms of human discomfort and pain, mortality, and burden on the Nation's economy, they represent one of our most serious health problems. Digestive diseases account for a yearly expenditure of approximately $17 billion in direct health care costs, and a total economic burden of $50 billion.

Research into the causes, cures, prevention, and clinical treatment of digestive diseases and related nutrition problems is a national concern. The week of May 20, 1984, marks the first anniversary of the initiation of a national digestive diseases education program. Its goals are to encourage the digestive diseases community to educate the public and other health care practitioners to the seriousness of these diseases and the methods available to prevent, treat, and control them, and to inform the public that diseases of the digestive system are a major health priority.

In recognition of the important efforts to combat digestive diseases, the Congress, by Senate Joint Resolution 228, has designated the week beginning May 20, 1984, through May 26, 1984, as "National Digestive Diseases Awareness Week," and authorized and requested the President to issue a proclamation calling for observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of May 20, 1984, through May 26, 1984, as National Digestive Diseases Awareness Week. I urge the people of the United States, and educational, philanthropic, scientific, medical, and health care organizations and professionals to participate in appropriate ceremonies to encourage further research into the causes and cures of all types of digestive disorders so as to alleviate the suffering of their victims.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-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. 84-14588
Filed 5-25-84; 4:52 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

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 327, Amdt. 1; Valencia Orange Regulation 328]

Valencia Orange Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Amendment 1 of Regulation 327 increases the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period May 25–31, 1984. Regulation 328 establishes the quantity of Valencia oranges that may be shipped during the period June 1–7, 1984. These regulations are needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: Amended Regulation 327 (§ 908.627) becomes effective for the period May 25–31, 1984. Regulation 328 (§ 908.628) becomes effective June 1–7, 1984.

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

SUPPLEMENTARY INFORMATION:

Findings

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

These actions are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment and regulation are based upon the recommendation of and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

The amendment and regulation are consistent with the marketing policy for 1983–84. The marketing policy was recommended by the committee following discussion at a public meeting on February 14, 1984, at Ventura, California. The committee met again publicly on May 22, 1984, to consider the current and prospective conditions of supply and demand for California-Arizona Valencia oranges. The committee reports the demand for Valencia oranges is very good. Since there are Valencia oranges available to meet this demand, it is in the interest of producers and consumers to increase the allotment for the period May 25–31, 1984. However, it is not expected that this level of demand will be maintained for the period June 1–7, 1984. Therefore, a lower allotment is established for that period.

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

List of Subjects in 7 CFR Part 908

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

1. Section 908.627 Valencia Orange Regulation 327 is hereby amended as follows:

§ 908.627 Valencia Orange Regulation 327.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period May 25–31, 1984, are established as follows:

(a) District 1: 324,000 cartons;
(b) District 2: 371,000 cartons;
(c) District 3: Unlimited cartons.

2. Section 908.628 is added as follows:

§ 908.628 Valencia Orange Regulation 328.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period June 1–7, 1984, are established as follows:

(a) District 1: 282,000 cartons;
(b) District 2: 318,000 cartons;
(c) District 3: Unlimited cartons.

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

Dated: May 23, 1984.

Thomas R. Clark,

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

[FR Doc. 84–14388 Filed 5–29–84; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Parts 916 and 917

[Nectarine Regulation 14, Amdt. 5, Peach Regulation 14, Amdt. 5, Plum Regulation 19, Amdt. 5]

Nectarines, Pears, Plums and Peaches Grown in California; Amendment of Size and Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends size and grade requirements for shipments of fresh nectarines, peaches and plums grown in California. These requirements are designed to promote marketing of suitable quality and sizes of fresh fruit in the interest of producers and consumers.

DATES: The interim rule is effective on May 30, 1984. Comments are due by June 29, 1984.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

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

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

This interim rule is issued under the marketing agreements, as amended, and Marketing Orders 916 and 917, as amended (7 CFR Parts 916 and 917), regulating the handling of fresh nectarines, pears, plums and peaches grown in California. The agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Shipments of these California fruits are regulated by grade and size under Nectarine Regulation 14 (7 CFR Part 916), Peach Regulation 14 (7 CFR Part 917), and Plum Regulation 19 (7 CFR Part 917), all initially issued in July 1981. Because these regulations do not change substantially from season to season, they were issued on a continuing basis subject to amendment, modification or suspension as may be recommended by the applicable committees and approved by the Secretary.

The Nectarine Administrative Committee and the Peach and Plum Commodity Committees met on May 2 and 3, 1984, and recommended amendment of the size requirements for nectarines, peaches and plums. The Plum Commodity Committee also recommended a change in the grade requirements for plums. This interim rule is based upon those recommendations, information submitted by the committees and other available information.

This interim rule amends the size requirements for nectarines, peaches and plums by adding several varieties now produced in commercially significant quantities, by deleting from size regulation several varieties no longer produced in significant quantities and by lowering the grade requirements for two plum varieties to reflect current crop and market conditions.

For nectarines, § 916.356 is amended to establish a minimum size requirement of 96 nectarines per No. 22D standard lug box for the Early May, Early May Grand and June Glo varieties of nectarines and 84 nectarines per No. 22D standard lug box for the Kent Grand, 20 G 836 and P–R Red varieties of nectarines. In addition, size requirements are deleted for the Crimson Gold and Ed's Red varieties of nectarines. For peaches, § 917.459 is amended to add size requirements for eight new varieties as follows: 72 peaches per No. 22D standard lug box for the August Sun, Autumn Lady, July Sun, Kings Lady and Lacey varieties and 80 peaches per No. 22D standard lug box for the Honey Red, June Crest and Willie Red varieties. In addition, this interim rule deletes size requirements for five peach varieties (Gem Crest, Kearney, Merricle, Paradise and Royal Crest). For plums, § 917.460 is amended to add size requirements for the August Rosa, Blackamber, Black Knight and Red Glow varieties (see Table I for sizes), to delete size requirements for three varieties (Fresno Rose, Golden Glow and Milwaukee) and to relax the grade requirements for two varieties (Black Knight and Midsummer).

These size and grade requirement changes are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the Act. This action is consistent with the practice of establishing minimum size requirements for a particular variety when shipments exceed 10,000 packages during the prior season and eliminating minimum size requirements for a particular variety when shipments fall below 5,000 packages during the previous season.

The change in grade requirements would permit the shipment of the Black Knight and Midsummer varieties of plums which fail to meet U.S. No. 1 grade on account of healed, stem-end cracks. This condition does not adversely affect the quality of the fruit. The action recognizes the tendency of Black Knight and Midsummer plums to develop stem-end cracks as the trees mature. The amendment is necessary to increase supplies of acceptable quality fruit in the interest of producers and consumers.

The Secretary finds that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date of this interim rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because of insufficient time between the date when information upon which this rule is based became available and the effective date necessary to effectuate the declared policy of the Act. The 1984 season for several of the specified varieties will begin in less than 30 days. It is desirable that newly regulated varieties alike be handled in full compliance with the regulations from the onset of the season. It is equally desirable that varieties removed from regulation be handled without regard to the regulations.

Interested persons were given an opportunity to submit information and views on the grade and size requirements for 1984 season California nectarines, peaches and plums at an open meeting at which the committees without opposition recommended implementation of the requirements specified in this rule. In addition, California nectarine, peach, and plum handlers have been apprised of the provisions and the effective date of the interim rule.

The interim rule provides a 30-day comment period. A longer comment period would be contrary to the public interest, as any comments on the effect of the rule need to be received within 30 days, so that any necessary changes can be made promptly in the grade and size requirements. All comments received will be considered prior to finalization of this interim rule. It is found that this interim rule will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 916

Marketing agreements and orders, Nectarines, California.

7 CFR Part 917

Marketing agreements and orders, Pears, Plums, Peaches, California.

This interim rule amends §§ 916.356, 917.459, and 917.460 as follows:

PART 916—NECTARINES GROWN IN CALIFORNIA

1. The introductory text of paragraph (a) and subparagraphs (a)(3) and (a)(4) of § 916.356 (7 CFR 916; 48 FR 24653 and 49 FR 17003) are revised to read:

§ 916.356 Nectarine Regulation 14.

(a) On and after May 30, 1984 no handler shall handle:

* * * * *

(3) Any package or container of Apache, Armking, Early May, Early May Grand, Early Star, Gee Red, June Belle, June Glo, June Grand, May Grand, Red June, Spring Grand, Sunfre, or Zee Gold variety nectarines unless:

* * * * *

(4) Any package or container of Ambrosia, Autumn Delight, Autumn Grand, Bob Grand, Clinton-Strawberry, Early Sun Grand, Fairlane, Fantasia, Firebrite, Flamekist, Flavortop, Flavortop I, Gold King, Granderli, Hi-Red, Independence, Kent Grand, Late Le Grand, Le Grand, Moon Grand, Niagara Grand, P–R Red, Red Diamond, Red Free, Red Grand, Regal Grand, Richards Grand, Royal Giant, Ruby Grand, September Grand, Tasty Free, Tom Grand, Honey Gold, Larry's Grand, Son Red, Spring Red, Late Tina Red, Red Jim, Summer Beaut, Sparkling Red, Star Grand, Summer Grand, Sun Grand, Sherri Red, or 20 G 836 variety nectarines unless:

* * * * *

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

2. The introductory text of paragraph (a) and paragraphs (a)(4) and (a)(5) of § 917.459 (7 CFR Part 917; 48 FR 16877 and 49 FR 17003) are revised to read:

§ 917.459 Peach Regulation 14.

(a) On and after May 30, 1984 no handler shall ship:

* * * * *

(4) Any package or container of Babcock, Bonjour, Coronet, Early Coronet, Early Royal May, Firecrest, First Lady, Flavorcrest, Flavor Red, Golden Lady, Honey Red, JJK–1, June Crest, June Lady, May Crest, May Lady, Merrill Gem, Merrill Gemfree, Redhaven, Redtop, Regina, Royal May, Springcrest, Spring Lady, or Willie Red variety of peaches unless:

* * * * *

(5) Any package or container of Angelus, August Sun, Autumn Gem, Autumn Lady, Cassie, Belmont, Cal Red, Carnival, Early Fairtime, Early O'Henry, Elberta, Elegant Lady, Fairtime, Fay Elberta, Fayette, Fiesta, Fire Red, Flamecrest, Fortyniner, Franciscan, Halloween, July Elberta (Early Elberta, Kim Elberta, and Socala), July Lady, July Sun, Kings Lady, Lacey, Mardigras, O'Henry, Pacifica, Parade, Preuss Suncrest, Red Cal, Redglobe, Red Lady, Rio Oso Gem, Scarlet Lady, Sparkle, Summerset, Suncrest, Sun Lady, Toreador, or Windsor variety peaches unless:

* * * * *

3. The introductory text of paragraph (b), paragraph (b)(2), and paragraph (c) of § 917.460 (7 CFR Part 917; 48 FR 16877) are amended to read:

§ 917.460 Plum Regulation 19.

(b) On and after May 30, 1984, no handler shall ship:

* * * * *

(2) Any lot of packages or containers of Angee, Autumn Queen, Black Knight, Casselman, Empress, Freedom, Grand Rosa, Improved Late Santa Rosa, King David, Late Santa Rosa, Linda Rosa, Midsummer, Red Rosa, Rosa Grande, Roysum, SW–1, and Swall Rosa plums unless such plums grade U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade, *Provided,* That, maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service; and *Provided further,* That, internal discoloration not considered serious damage will be permitted.

* * * * *

(c) * * *

TABLE I

Column A, variety	Column B plums per sample
Ace	55
Amazon	64
Andys Pride	69
Angeleno	67
August Rosa	64
Autumn Rosa	72
Bee Gee	65
Blackamber	56
Black Beaut	74
Black Knight	58
Carolyn Harris	61
Casselman	63
Durado	74
Early Hawaiian Ann	60
Ebony	66
El Dorado	68
Empress	57
Freedom	56
Friar	56
Frontier	61
Gar-Rosa	71
Grand Rosa	54
July Red	64
July Santa Rosa	69
Kelsey	47
King David	50
King's Black	58
Laroda	58
Late Santa Rosa (including improved Late Santa Rosa and Swall Rosa)	64
Linda Rosa	63
Mariposa	61
Midsummer	63
Nubiana	56
President	57
Queen Ann	50
Queen Rosa	53
Red Beaut	74
Red Glow	60
Red Rosa	64
Redroy	58
Rosa Ann	69
Rosemary	50
Rose Ann	60
Royal Red	74
Roysum	74
Santa Rosa	69
Simka, Arrosa, New Yorker	50
Spring Beaut	74
Standard	83

TABLE I—Continued

Column A, variety	Column B plums per sample
Wickson	51

* * * * *

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

Dated: May 24, 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc. 84-14405 Filed 5-29-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Part 314

[Docket No. 40333–4033]

Property Management Regulation—Mortgages

AGENCY: Economic Development Administration (EDA), Department of Commerce.

ACTION: Interim rule.

SUMMARY: This rule amends EDA's property management regulations concerning mortgages. It provides that funds obtained from loans secured by mortgages on property which has been financed by an EDA grant shall be provided only to the Grantee for use on the project which is being mortgaged or for working capital purposes relating to that project. These requirements are consistent with the intent of EDA regulations concerning a waiver of the prohibition against placing mortgages on property improved by an EDA grant. These amendments clarify such regulations.

DATES: Effective Date: May 30, 1984. Comments by: July 30, 1984.

ADDRESS: Send comments to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Charles W. Coss, Director, Office of Public Works, Economic Development Administration, 14th St. & Constitution Ave., NW., Room 7019, Washington, D.C. 20230, (202) 377–5265.

SUPPLEMENTARY INFORMATION: EDA is amending its property management regulation concerning mortgages (13

CFR Part 314) in order to clarify a need contemplated when the regulations were originally drafted.

These amendments allow the Assistant Secretary to waive the prohibition against placing mortgages on property which has been financed by an EDA public works grant, if an additional condition is met. This additional condition for a waiver is as follows: (1) All proceeds from a loan which is secured by a mortgage or lien on property which has been financed by an EDA public works grant shall be available only to the grantee and such proceeds shall only be used on the project which secures such loan, or for working capital purposes relating to that project.

Because this rule relates to EDA's loan and grants program, it is exempt from the notice and comment procedures described in section 553 of the Administrative Procedure Act (5 U.S.C. 553). Thus it is also exempt from the requirements of the Regulatory Flexibility Act. While the rule will become effective upon publication in interim form, the public will be given an opportunity to comment before it is published in final form.

This rule is not a major rule within the meaning of Section 1(b) of Executive Order 12291 (Federal Regulations).

In addition, there are no reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

List of Subjects in 13 CFR Part 314

Economic development, Grant programs-Economic development, Government property management, Public works grants.

PART 314—PROPERTY MANAGEMENT STANDARDS

Accordingly, EDA amends 13 CFR Part 314 as follows:

1. Redesignate § 314.5 paragraphs (a) (1), (2), (3), (4), (5), and (6), to (a)(2), (3), (4), (5), (6), and (7); and redesignate paragraphs (b) (1), (2), (3), (4), (5), and (6) to (b)(2), (3), (4), (5), (6), and (7).

2. 13 CFR 314.5(a)(1) and (b)(1) are added to read a follows:

§ 314.5 Mortgages.

(a) * * *

(1) All proceeds from a loan which is secured by a lien, mortgage, or any other encumbrance on property which is financed by an EDA public works grant, shall be available only to the recipient of the EDA public works grant, and all proceeds from such secured loan shall be used only on such project (excluding working capital uses) for which the EDA public works grant was approved.

* * * * *

(b) * * *

(1) All proceeds from a loan which is secured by a lien, mortgage, or any other encumbrance on property which has been financed by an EDA public works grant shall be available only to the recipient of the EDA public works grant, and all proceeds from such secured loan shall be used only by the recipient on such project for which the EDA public works grant was approved, or for the grant recipient's working capital purposes relating to the project.

* * * * *

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3211); Sec. 1-105, Executive Order 12185; Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended))

Dated: May 24, 1984.

J. Bonnie Newman,

Assistant Secretary for Economic Development.

[FR Doc. 84-14348 Filed 5-29-84; 8:45 am]

BILLING CODE 3510-24-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Strong Sensitizers

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission revokes the definition of "strong sensitizer" given in 16 CFR 1500.3(c)(5). The definition stated in the revoked regulation is narrower than the definition given in the Federal Hazardous Substances Act and does not account for certain current scientific theories about the ways some individuals can become sensitized to certain substances. The supplementary definition in the regulations is being revoked because the statutory definition should be adequate for use in any future regulatory proceeding.

DATE: The effective date of this revocation is June 29, 1984.

FOR FURTHER INFORMATION CONTACT: Susan E. Feinman, Ph.D., Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6477.

SUPPLEMENTARY INFORMATION:

Background

The Federal Hazardous Substances Act (FHSA or "the Act"), 15 U.S.C. 1261-1275, was enacted on July 12, 1960. Included within the Act's definition of "hazardous substance" is "a strong sensitizer." 15 U.S.C. 1261(f)(1)(iv). Section 2(k) of the FHSA, 15 U.S.C. 1261(k), defines "strong sensitizer" as:

> A substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the [Consumer Product Safety Commission]. Before designating any substance as a strong sensitizer, the [Commission], upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

This definition is restated in the regulations under the FHSA published at 16 CFR 1500.3(b)(9).

On August 12, 1961, the Food and Drug Administration (which at that time administered the FHSA) issued regulations under the FHSA which supplemented the statutory definition of strong sensitizer. 26 FR 7334 (§ 191.10(i)). In 1973, the responsibility for the administration of the FHSA was transferred to the Consumer Product Safety Commission, and the supplementary definition of strong sensitizer referred to above is currently published at 16 CFR 1500.3(c)(5). That section states:

> (5) The definition of "strong sensitizer" in section 2(i) of the Act (restated in paragraph (b)(9) of this section) is supplemented by the following: A "strong *allergic* sensitizer is a substance that produces an allergenic sensitization in a substantial number of persons who come in contact with it. An allergic sensitization develops by means of an "antibody mechanism" in contradistinction to a primary irritant reaction which does not arise because of the participation of an "antibody mechanism." An allergic reaction ordinarily does not develop on first contact because of necessity of prior exposure to the substance in question. The sensitized tissue exhibits a greatly increased capacity to react to subsequent exposure of the offending agent. Subsequent exposures may therefore produce severe reactions with little correlation to the amounts of excitant involved. A "*photodynamic* sensitizer" is a substance that causes an alteration in the skin or mucous membranes in general or to the skin or mucous membranes at the site of contact so that when these areas are subsequently exposed to ordinary sunlight (or equivalent radiant energy) an inflammatory reaction will develop. (Emphasis added.)

Since this definition was issued in 1961, there have been many advances in understanding the basic principles involved in allergic hypersensitivity mechanisms. Based on modern concepts

of immunology, the definition of "strong sensitizer" in 16 CFR 1500.3(c)(5) is incorrect with regard to the statement that "an allergic sensitization develops by means of an 'antibody mechanism' in contrast to a primary irritant reaction."

While certain allergic reactions involve production of antibodies, others, such as allergic contact dermatitis (ACD) do not. ACD is the main type of sensitization reaction caused by the five substances designated as strong sensitizers in 16 CFR 1500.13. The immunological mechanism involved, known as "delayed type hypersensitivity" (DTH) or "cellular-mediated immunity," cannot be transferred by serum (that contains antibodies) and has not been shown to be associated with antibodies in any way. (*See*, e.g., Gell, P.G.H., and Coombs, P.R.H., *Clinical Aspects of Immunology*, 2nd ed. (1969) and Patterson, R., *Allergic Diseases: Diagnosis and Management*, 2nd ed. (1980).) This is in contrast to another type of allergy, "immediate" or "serum-mediated" hypersensitivity. The definition of "stong sensitizer" stated in the Federal Hazardous Substances Act is broad enough to cover both types of hypersensitivity. It is also broad enough to apply to other current, and probably future, theories about the cause of sensitization reactions from environmental agents.

A second problem with the regulations concerning strong sensitizers lies in the definition of "photodynamic sensitizer" stated in 16 CFR 1500.3(c)(5), which does not conform with current, generally accepted concepts. This definition states that a "photodynamic sensitizer" causes an alteration in the skin or mucous membranes so that, on subsequent exposure to sunlight (or equivalent radiant energy), an inflammatory reaction develops.

However, dermatology, dermatotoxicity, allergy, and contact dermatitis textbooks agree that "photosensitivity" is a term encompassing both allergic (photoallergy) and nonallergic (phototoxic) light-related skin responses, and that photodynamic reactions should be considered as a type of phototoxic reactions.

Photodynamic sensitization is generally viewed as a type of phototoxicity in which oxygen is required for the occurrence of the reaction. (Harber, L.C., Shalita, A.R., and Armstrong, R.B., "Immunologically mediated contact photosenitivity in guinea pigs," *in* Chapt. 16, *Dermatotoxicology*, (Marzulli, F.N. and Mailbach, H.I., eds.), 2nd ed. (1983); and Pathak, M.A. and Epstein, J.H., "Normal and abnormal reactions by man to light," *Dermatology in General Medicine*, Chapt. 17 "Disorders due to physical agents" (1971).) Phototoxic chemicals are thought to act through a mechanism similar to irritation and not to require prior exposure. Thus, the definition of "photodynamic sensitizer" in 16 CFR 1500.3(c)(5) is confusing, if not inaccurate.

A more detailed discussion of the current scientific theories concerning allergic and photodynamic sensitization, with references to the available scientific literature, is contained in a memorandum from the Commission's Directorate for Health Sciences dated October 19, 1983. Single copies of this memorandum and other materials concerning this rulemaking proceeding may be obtained from the Commission's Office of the Secretary.

For the reasons given above, the Commission preliminarily concluded that the definition of strong sensitizer given in 16 CFR 1500.3(c)(5) is no longer appropriate. In addition, the Commission concluded that the definition of strong sensitizer given in the FHSA at 15 U.S.C. 1261(k) is adequate for any future regulatory determination that a substance is a strong sensitizer. Therefore, the Commission decided to propose to revoke § 1500.3(c)(5). The proposal was published on December 22, 1983 (48 FR 56602).

Comment on the Proposal

The Commission received one public comment in response to the proposed revocation. The commenter supports the proposed revocation of the supplementary definition of strong sensitizer, and agrees that this definition is no longer appropriate and is inaccurate in part. The commenter states that the Health Research Committee of the Formaldehyde Institute concurs in this recommendation.

The commenter also expressed concern that the remaining statutory definition of strong sensitizer is overly broad, and not sufficiently specific for future applications. The commenter proposed an alternative definition for Commission consideration.

The Commission agrees that the statutory definition is not specific. The Commission has taken steps to establish an advisory panel on allergic sensitization which will have, as one of its tasks, the evaluation and refinement of terms and criteria used in defining strong sensitizers. Until such time as this task is completed and, if appropriate, additional regulations are promulgated, the statutory definition is adequate for any regulatory determination that a substance is a strong sensitizer.

The staff has informed the commenter that the Commission is inviting membership applications for the advisory panel and that the commenter's suggested definition of strong sensitizer will be given to the panel for consideration.

After considering the comment on the proposal and other available information, the Commission concludes that the regulatory supplement to the definition of strong sensitizer, contained at 16 CFR 1500.3(c)(5), should be revoked.

Environmental Considerations

The revocation of the supplementary definition of "strong sensitizer" is not intended to affect the status of any product containing a substance that has been declared previously to be a hazardous substance under the FHSA. Accordingly, no product will be directly affected by this action; any future regulatory proceedings to designate a substance as a strong sensitizer will utilize the statutory definition in 15 U.S.C. 1261(k). Therefore, the Commission concludes that the revocation issued below has little or no potential for affecting the human environment and that neither an environmental assessment nor an environmental impact statement is required. See 16 CFR Part 1021.

Regulatory Flexibility Act Certification

For the reasons explained in the preceding paragraph, no products will be directly affected by this proposed action; therefore, the Commission certifies that this revocation will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 16 CFR Part 1500

Consumer protection, Hazardous materials, Imports, Infants and children, Labeling, Law enforcement, Toys.

Conclusion

§ 1500.3 [Amended]

Since the supplement to the definition of strong sensitizer has the deficiencies noted above, and since the statutory definition is adequate for any future regulatory proceedings, the Commission removes and reserves § 1500.3(c)(5) of Title 16 of the Code of Federal Regulations.

Authority: (Secs. 2, 10, Pub. L. 86-613, 74 Stat. 372, 378 (15 U.S.C. 2061, 1269))

Dated: May 23, 1984.

Sadye E. Dunn,

Secretary Consumer Product Safety Commission.

[FR Doc. 84-14319 Filed 5-29-84; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-14]

Incremental Pricing Regulations Implementing the Incremental Pricing Provision of the Natural Gas Policy Act of 1978; Order of the Director, OPPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

Issued: May 24, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

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

EFFECTIVE DATE: June 1, 1984.

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

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

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of June 1984 is issued by the publication of a price table for the applicable month. The incremental pricing acquisition cost threshold prices for months prior to January 1984 are found in the tables in § 282.304.

List of Subjects in 18 CFR Part 282

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

[Calender year 1984]

	January	February	March	April	May	June
Incremental pricing threshold	$2.283	$2.291	$2.299	$2.307	$2.315	$2.323
NGPA section 102 threshold	3.586	3.609	3.632	3.656	3.680	3.705
NGPA section 109 threshold	2.359	2.367	2.375	2.383	2.391	2.399
130 percent of No. 2 fuel oil in New York City threshold	7.730	7.570	7.570	8.550	8.590	7.670

[FR Doc. 84-14402 Filed 5-29-84; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 353

[Docket No. 40313-28]

Antidumping Duties

AGENCY: International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: 19 CFR Part 353 specifies requirements for submitting information and written views in antidumping investigations conducted by the International Trade Administration. This final rule will change the site and certain filing requirements thereby streamlining the Administration's operational efficiency and public records maintenance.

EFFECTIVE DATE: May 30, 1984.

FOR FURTHER INFORMATION CONTACT: John L. Evans, Deputy to the Deputy Assistant Secretary for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230, Room 3099B, (202)377-1780.

SUPPLEMENTARY INFORMATION: Since this rule relates to agency practice and procedures requirements, it is exempt from the notice and comment procedures described in Section 553 of the Administrative Procedures Act (5 U.S.C. 553.) It is also exempt from the requirements of the Regulatory Flexibility Act (15 U.S.C. 701, *et seq.*). As a non-substantive rule, publication may be less than 30 days before it is effective. This rule is not a major rule as defined in section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation" because it will (1) have no major monetary effect on the economy, (2) result in no major increase in costs or prices, and (3) have no significant adverse effects on competition (domestic or foreign), employment, investment, productivity or innovation.

This rule does not contain a collection of information for purposes of the Paperwork Reduction Act of 1980.

This regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 19 CFR Part 353

Antidumping duties.

Accordingly, 19 CFR Part 353 is amended as follows:

§ 353.36 [Amended]

1. Section 353.36(a) is amended by replacing the words "Secretary, Attention: Assistant Secretary for Trade Administration, Room 3826, Department of Commerce, Washington, D.C. 20230" with "Secretary of Commerce, Attention: Import Administration, Central Records Unit, Room B-099, Department of Commerce, Pennsylvania Avenue at 14th Street, NW., Washington, D.C. 20230."

2. Section 353.46 is amended by revising paragraph (a) to read as follows:

§ 353.46 Submission of information and written views.

(a) *Submission of information and written views.* (1) *When and where to file.* Except in situations where it would be manifestly unjust, any information or written views submitted in connection with a proceeding shall be considered only if received within the time established by these regulations or by specific instructions applicable to such submission; any submission received after such time shall not be considered in the proceeding. Documents shall be

addressed to the Secretary of Commerce, Attention: Import Administration, Central Records Unit, Room B–099, Department of Commerce, Pennsylvania Avenue at 14th St., NW., Washington, D.C., 20230, and, if hand-delivered, between the hours of 8:30 a.m. and 5:00 p.m. on Government business days.

(2) *Form and number of copies.* Unless the Secretary determines in advance of the submission that the requirements of this paragraph are unjust or unduly burdensome, any submission intended to be considered in connection with a proceeding shall be subject to the following requirements. Documents shall be submitted in 10 copies, public and non-public versions considered as separate documents. They shall be submitted on letter-size paper, double-spaced, not permanently bound, but held securely together by a single staple, fastener, binder clip or other form of clamp. They shall be marked in the upper right hand corner of the cover or top page with the following information in the following format: On the first line, except for petitions, the ITA case number; on the second line, the total number of pages of the submission including cover pages, appendices, and other unnumbered pages; beginning on the third line, a statement indicating whether the document contains or does not contain privileged, confidential, or business proprietary information, or information subject to administrative protective order. Include the page numbers where any such information is located. Individual pages containing such information shall also be marked, in accordance with section 353.28. Unless date-stamped by the Central Records Unit and submitted in conformity with this paragraph, the Secretary may refuse to accept such information or written views for consideration in the administrative record.

(3) *Copies for parties to the proceeding.* A copy shall also be served at the same time, by mail or personal service, on counsel for each party to the proceeding as of the date of the filing. If the party is not represented by counsel, the person designated for this purpose by the party to the proceeding shall be served. A certificate of service shall accompany each filing. The Secretary shall effect the service if he or she determines that it will be unduly burdensome on the party to the proceeding.

* * * * *

(5 U.S.C. 301, 15 U.S.C. 1512, 1513, 44 FR 69273, Sections 2(a) and 5(a)(1)(C) and (F))

Dated: May 18, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-14031 Filed 5-29-84; 8:45 am]

BILLING CODE 3510-DS-M

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19 CFR Part 355

[Docket No. 40313-28A]

Countervailing Duties

AGENCY: International Trade Administration.

ACTION: Final rule.

SUMMARY: 19 CFR Part 355 specifies requirements for submitting information and written views in countervailing duty investigations conducted by the International Trade Administration. This final rule will change the site and certain filing requirements thereby streamlining the Administration's operational efficiency and public records maintenance.

EFFECTIVE DATE: May 30, 1984.

FOR FURTHER INFORMATION CONTACT: John L. Evans, Deputy to the Deputy Assistant Secretary for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C., 20230, Room 3099B (202) 377–1780.

SUPPLEMENTARY INFORMATION: Since this rule relates to agency practice and procedures requirements, it is exempt from the notice and comment procedures described in section 553 of the Administrative Procedures Act (5 U.S.C. 553). It is also exempt from the requirements of the Regulatory Flexibility Act (15 U.S.C. 701, *et seq.*). As a non-substantive rule, publication may be less than 30 days before it is effective. This rule is not a major rule as defined in section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation" because it will (1) have no major monetary effect on the economy, (2) result in no major increase in costs or prices, and (3) have no significant adverse effects on competition (domestic or foreign), employment, investment, productivity or innovation.

This rule does not contain a collection of information for purposes of the Paperwork Reduction Act of 1980.

This regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 19 CFR Part 355

Countervailing duties.

PART 355—[AMENDED]

Accordingly, 19 CFR Part 355 is amended as follows:

§ 355.26 [Amended]

1. Section 355.26(a) is amended by replacing the words "Secretary, attention: assistant Secretary for Trade Administration, Room 3850, Department of Commerce, Washington, D.C. 20230" with "Secretary of Commerce, Attention: Import Administration, Central Records Unit, Room B–099, Department of Commerce, Pennsylvania Avenue at 14th Street, NW., Washington, D.C. 20230."

2. Section 355.34(a) is revised to read as follows:

§ 355.34 Submission of information and written views.

(a) Submission of information and written views.

(1) *When and where to file.* Except in situations where it would be manifestly unjust, any information or written views submitted in connection with a proceeding shall be considered only if received within the time established by these regulations or by specific instructions applicable to such submission; any submission received after such time shall not be considered in the proceeding. Documents shall be addressed to the Secretary of Commerce, Attention: Import Administration, Central Records Unit, Room B–099, Department of Commerce, Pennsylvania Avenue at 14th St., NW., Washington, D.C. 20230, and, if hand-delivered, between the hours of 8:30 a.m. and 5:00 p.m. on Government business days.

(2) *Form and number of copies.* Unless the Secretary determines in advance of the submission that the requirements of this paragraph are unjust or unduly burdensome, any submission intended to be considered in connection with a proceeding shall be subject to the following requirements. Documents shall be submitted in 10 copies, public and non-public versions considered as separate documents. They shall be submitted on letter-size paper, double-spaced, not permanently bound, but held securely together by a single staple, fastener, binder clip or other form of clamp. They shall be marked in the upper right hand corner of the cover or top page with the following information in the following format: on the first line, except for petitions, the ITA case number; on the second line, the total

number of pages of the submission including cover pages, appendices, and other unnumbered pages; beginning on the third line, a statement indicating whether the document contains or does not contain privileged, confidential, or business proprietary information, or information subject to administrative protective order. Include the page numbers where any such information is located. Individual pages containing such information shall also be marked, in accordance with section 355.18. Unless date-stamped by the Central Records Unit and submitted in conformity with this paragraph, the secretary may refuse to accept such information or written views for consideration in the administrative record.

(3) *Copies for parties to the proceeding.* A copy shall also be served at the same time, by mail or personal service, on counsel for each party to the proceeding as of the date of the filing. If the party is not represented by counsel, the person designated for this purpose by the party to the proceeding shall be served. A certificate of service shall accompany each filing. The Secretary shall effect the service if he or she determines that it will be unduly burdensome on the party to the proceeding.

* * * * *

Authority: 5 U.S.C. 301, 15 U.S.C. 1512, 1513, 44 FR 69273, sections 2(a) and 5(a)(1) (C) and (F).

Dated: May 18, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-14030 Filed 5-29-84; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 82F-0308]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Aspartame

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of aspartame in chewable multivitamin food supplements. This action responds to a petition filed by the Rexall Corp.

DATES: Effective May 30, 1984; objection by June 29, 1984.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Anthony P. Brunetti, 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: In a notice published in the Federal Register of October 15, 1982 (47 FR 46140), FDA announced that a petition (FAP 2A3662) had been filed by the Rexall Corp., 3901 North Kingshighway Blvd., St. Louis, MO 63115, proposing that the food additive regulations be amended to provide for the safe use of aspartame (1-methyl *N*-*L*-α-aspartyl-*L*-phenylalanine) as a sweetener in multivitamin food supplements.

FDA, having evaluated the data in the petition and other relevant material, concludes that this proposed food additive use is safe and that it represents a minor increase in the level of exposure to aspartame for dry uses. (See Aspartame; Commissioner's Final Decision, 46 FR 38285; July 24, 1981.) FDA based this decision on data indicating that the exposure from the use in chewable multivitamins is considerably less than the exposure from uses already approved by the agency. Aspartame consumption resulting from a daily dose of chewable multivitamins would add approximately 10 mg per person to the daily diet. In the 2- to 4-year-old group, this intake would add approximately 1 milligram per kilogram (mg/kg) or less to the 90th percentile estimated daily intake of 24 mg/kg resulting from all other foods, including carbonated beverages, containing aspartame. Chewable multivitamins would contribute less than 2 percent to the total acceptable daily intake of 50 mg/kg. Thus, the approval of the use of aspartame to sweeten chewable multivitamins contributes a relatively minor increase in the individual's potential daily intake of the sweetener, and does not significantly affect current estimates of daily intake. Therefore, the regulation should be amended as set forth below.

FDA recently approved the use of aspartame as a sweetener in carbonated beverages (48 FR 31376; July 8, 1983). The preamble to that final rule contains additional discussion of the safety of aspartame. Two objections and requests for a stay and a hearing were filed in response to the carbonated beverage regulation. FDA concluded that a stay of the carbonated beverage regulation was unwarranted (48 FR 52899; November 23, 1983), and subsequently denied the request for a hearing (49 FR 6672; February 22, 1984). In denying the request for a hearing, the agency concluded that aspartame is safe at the levels of exposure that would result from its incorporation into carbonated beverages. (See 49 FR at 6677-6679.)

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency 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 is not required. The agency's finding of no significant impact and the evidence supporting that finding 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 172

Food additivies; Food preservatives; Spices and flavorings.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 172 is amended in § 172.804 by adding new paragraph (c)(7) to read as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

§ 172.804 Aspartame.

* * * * *

(c) * * *

(7) Chewable multivitamin food supplements.

* * * * *

Any person who be adversely affected by the foregoing regulation may at any time on or before June 29, 1984 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be

separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be indentified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective May 30, 1984.

(Secs. 210(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: May 17, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 84–14367 Filed 5–29–84; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 178

[Docket No. 83F–0264]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

Correction

In FR Doc. 84–11772 beginning on page 18735 in the issue of Wednesday, May 2, 1984, make the following correction:

On page 18736, first column, in the table, under the entry "Substances", fourth line, "B" should have read "β".

BILLING CODE 1505–01–M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Iodinated Casein Tablets

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) sponsored by Agri-Tech, Inc. The NADA provides for the use of iodinated casein tablets for use in dogs for decreased thyroid activity manifested by skin and hair coat conditions.

EFFECTIVE DATE: May 30, 1984.

FOR FURTHER INFORMATION CONTACT: Bob Griffith, Center for Veterinary Medicine (formerly Bureau of Veterinary Medicine) (HFV–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Agri-Tech, Inc., 4722 Broadway, Kansas City, MO 64112, is the sponsor of NADA 13–502 which provides for use of Protamone-D (iodinated casein) in dogs. The drug is labeled for use in cases of apparent decreased thyroid activity where the signs are alopecia, scaliness of the skin surface, loss of hair, seborrehea, thickening of the skin, hyperpigmentation, and lethargy. The drug was approved by letter dated April 22, 1966.

Approvals at the time were not codified by publication in the **Federal Register.** This action codifies the previously approved NADA but does not change the approved use of the drug. Because the application was approved before July 1, 1975, the sponsor is not required to submit a summary of the safety and effectiveness data and information under the freedom of information provisions of the animal drug regulations in 21 CFR 514.11(e)(2)(ii). However, a summary of the basis for approval is available upon request in accordance with 21 CFR 514.11(e)(2)(i).

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

List of Subjects in 21 CFR Part 520

Animal drug, Oral use.

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 by adding new § 520.1157 to read as follows:

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

§ 520.1157 Iodinated casein tablets.

(a) *Specifications.* Each 1-gram tablet contains 25 milligrams of iodinated casein.

(b) *Sponsor.* See No. 017762 in § 510.600(c) of this chapter.

(c) *Conditions of use.*—(1) *Amount.* ⅛ to 1 tablet per 10 pounds of body weight (equivalent to 0.5 to 2.5 milligrams of iodinated casein per pound of body weight).

(2) *Indications for use.* For dogs for apparent decreased thyroid activity where the signs are alopecia, scaliness of the skin surface, loss of hair, seborrhea, thickening of the skin, hyperpigmentation, and lethargy.

(3) *Limitations.* If no response is observed in 30 to 45 days, the drug should be withdrawn and the diagnosis reconsidered. Do not use in the presence of cardiac disease, ischemia, adrenal insufficiency, or nephrosis. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. May 30, 1984.

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

Dated: May 23, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84–14370 Filed 5–29–84; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–176; Reference Notice No. 466]

Altus Viticultural Area

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

ACTION: Final rule (Treasury decision).

SUMMARY: This final rule establishes a viticultural area in Arkansas to be known as "Altus." The Bureau of Alcohol, Tobacco and Firearms believes that the establishment of the Altus viticultural area and the subsequent use of its name in wine labeling and advertising will enable industry to label wines more precisely, and will help consumers to better identify the wines from this area.

EFFECTIVE DATE: June 29, 1984.

FOR FURTHER INFORMATION CONTACT: Steve Simon, FAA, Wine and Beer

Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW, Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Part 9 of 27 CFR provides for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Petition

ATF received a petition from Mr. Matthew J. Post of the Post Winery, proposing an area near the town of Altus, Arkansas, as a viticultural area to be known as "Altus." In response to this petition, ATF published Notice No. 466 in the **Federal Register** on Monday, May 16, 1983 (48 FR 21973). This notice solicited public comments in accordance with the Administrative Procedure Act (5 U.S.C. 553). Only two public comments were received. One expressed unqualified support for the proposed area. The other objected to "the deletion of some of our local vineyards from the proposed area." However, this commenter did not respond to requests for an identification of those vineyards or a description of where they are located. Therefore, this Treasury decision establishes the Altus viticultural area with boundaries as proposed in Notice No. 466.

General Information

The Altus viticultural area extends for a length of about five miles, along a plateau situated between the Arkansas River bottomlands and the high peaks of the Boston Mountains. The width of the area is about four miles. The boundaries encompass a total area of between 12,000 and 13,000 acres.

There are about 800 acres planted to grapes on vineyards in the viticultural area. There are four wineries now operating in the area.

Name of the Area

ATF has determined that this viticultural area is known by the name of "Altus" and is associated with grape-growing for the following reasons:

(a) The official stationery of the city of Altus, Arkansas, declares that city to be the "wine capital" of the State.

(b) Wines produced at the area's four wineries (all located within a mile of the Altus Post Office) have won national and international awards.

(c) Labels of all four wineries bear the name "Altus" as part of their mailing address.

(d) Bumper plates used on the first automobiles in town bear the name, "Altus," and the legend, "The grapes grow best."

(e) An article by Joe Crump, entitled "Vintage Memories," appearing in the *Southwest Times Record* of June 25, 1981, discussed "Altus, the village known for its wine."

(f) The stationery of the local St. Joseph's Farmer Club, whose address is Altus, Arkansas, states: "Best flavored grapes grown in the country. Campbell's Early, Delaware and Niagara a specialty."

(g) The Rev. Placidus Oeschsle, a local parish priest from 1897 to 1935, wrote the following in 1930, in a work entitled "Historical Sketch of the Congregation of Our Lady of Perpetual Help":

> Some of our pioneers came from winemaking countries, and started to plant vineyards. Grape-growing became a very profitable industry, and Altus was soon famous for its good wine.
>
> Our grape festivals are an attraction for thousands of visitors * * *. After many years of experimenting with hundreds of varieties, only a few proved commercially valuable. Today, mostly Campbell's Early, Delaware, Niagara, Brighton, and Banner, and a few others are cultivated for market * * *. The grapes of Altus are famous, and are shipped all over the country.

Geographical Distinctions

ATF has determined that the Altus viticultural area is distinguished from the surrounding area for the following reasons:

(1) The moderating climatological effects of the Boston Mountains protect the area from the harshest of winter's weather.

(2) The elevation of the plateau above the surrounding river and creek valleys creates a microclimate wherein cold air is funneled down to the Arkansas River in the spring and fall. Thus, as the petitioner states, "It has been observed that growers in the hills around Altus enjoy additional frost-free growing days because the colder air sinks to the river valley, and forces warmer air into the hills in the early spring and late fall."

(3) The soils of the Altus region (known as the Linker-Mountainburg association) are distinctive in that within Arkansas they are found only along the edge of the Boston Mountains. These soils, states the petitioner, "are fine to gravelly in texture, sandy to silty loams, and slightly to strongly acid." These soils are particularly suited to viticulture.

Boundaries

The boundaries of the proposed viticultural area may be found on five U.S.G.S. topographic maps in the 7.5 minute series: Ozark Quadrangle, Coal Hill Quadrangle, Hartman Quadrangle, Hunt Quadrangle, and Watalula Quadrangle. The boundaries are described in § 9.77.

Miscellaneous

ATF does not wish to give the impression by approving the Altus viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this are as being distinct from surrounding areas, not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and in advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of the Altus wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an inital and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

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

Executive Order 12291

In compliance with Executive Order 12291 of Feb. 17, 1981, the Bureau has determined that this final regulation is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Drafting Information

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

Authority and Issuance

Accordingly, under the authority in 27 U.S.C. 205, 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is revised to add the title of § 9.77, which reads as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.77 Altus.

* * * * *

Par. 2. Subpart C of 27 CFR Part 9 is amended by adding § 9.77, which reads as follows:

§ 9.77 Altus.

(a) *Name.* The name of the viticultural area described in this section is "Altus."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Altus viticultural area are five U.S.G.S. maps in the 7.5 minute series. They are titled:

(1) Ozark Quadrangle, 1966.

(2) Coal Hill Quadrangle, 1961.

(3) Hartman Quadrangle, 1961.

(4) Hunt Quadrangle, 1963.

(5) Watalula Quadrangle, 1973.

(c) *Boundary*—(1) *General.* The Altus viticultural area is located in Arkansas. The starting point of the following boundary description is the crossing of the Missouri Pacific Railroad over Gar Creek, near the Arkansas River at the southeast corner of the city of Ozark, Arkansas (on the Ozark Quadrangle map).

(2) *Boundary Description:*

(i) From the crossing of the Missouri Pacific Railroad over Gar Creek, following the railroad tracks eastward to the crossing over Horsehead Creek (on the Hartman Quadrangle map).

(ii) From there northward along Horsehead Creek to the merger with Dirty Creek (on the Coal Hill Quadrangle map).

(iii) From there generally northwestward along Dirty Creek to Arkansas Highway 352 (where Dirty Creek passes under the highway as a perennial stream—on the Hunt Quadrangle map).

(iv) From there along Highway 352 westward to Arkansas Highway 219 (on the Watalula Quadrangle map).

(v) Then southward along Highway 219 to Gar Creek (on the Ozark Quadrangle map).

(vi) Then southeastward along Gar Creek to the beginning point.

Signed: May 3, 1984.

W. T. Drake,

Acting Director.

Approved: May 15, 1984.

Edward T. Stevenson,

Deputy Assistant Secretary (Operations).

[FR Doc. 84-14352 Filed 5-29-84; 8:45 am]

BILLING CODE 4810-31-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Payment of Premiums

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment reduces the penalty rate for late payment of premiums set forth in the Pension Benefit Guaranty Corporation's Payment of Premiums regulation. The new provision is needed because increased premium rates have resulted in a substantial increase in the penalty charge, which is a precentage of the unpaid premiums. This amendment is intended to reduce the burden previously placed on plans for the late payment of premiums while not creating an incentive to either file late or not file at all.

EFFECTIVE DATE: This regulation is effective on June 29, 1984.

FOR FURTHER INFORMATION CONTACT: Melanie Franco Nussdorf, Special Counsel, Legal Department (210), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, (202) 254–6476. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.*, as amended (the "Act"), provides for a comprehensive pension plan insurance program administered by the Pension Benefit Guaranty Corporation ("PBGC"). Under the statutory scheme, covered plans pay annual premiums presently at $2.60 per participant for single-employer plans and $1.40 per participant for multiemployer plans, which are kept in two separate funds and are used to help finance the program. The premiums are used to fund benefits guaranteed by the PBGC. If, upon termination of a single-employer plan, the assets of the plan, plus amounts collectible under § 4062 of the Act, are insufficient to fund benefits guaranteed under § 4022 and § 4022B of the Act, the PBGC uses premiums in the single-employer fund to pay these benefits. Similarly, premiums in the multiemployer fund are used to pay benefits guaranteed under section 4022A and section 4022B of the Act.

The PBGC's Payment of Premiums regulation is set forth in 29 CFR Part 2610. This amendment revises § 2610.8 of the Payment of Premiums regulation to reduce the basic late payment penalty charge and to institute a minimum late payment penalty charge. In addition, the amendment clarifies § 2610.9 of the regulation.

The present regulation at § 2610.8 provides an escalating precentage penalty charge on the unpaid premium amount, which begins at 5% for payments under 30 days overdue and reaches 100% after 180 days. This amendment reduces the late payment of premiums penalty charge to the greater of: (1) 5% of the unpaid premiums per month or fraction thereof, up to 100% or (2) the lesser of $25 or 100% of the unpaid premiums. Thus, a delinquent plan sponsor will be charged at the rate of 100% after 20 months, rather than after 6 months as the present regulation provides.

Since the late payment penalty rate was established, premiums have increased for both singly-employer plans and multiemployer plans (§ 2610.5) and there has been public sentiment to reduce the resulting increased late

payment penalty charge. The PBGC believes that the revised charge, which is more in line with penalty rates assessed by other federal government agencies, will reduce the burden for late filing while not creating an incentive to file late or not at all. The $25 minimum represents the administrative cost to the PBGC of processing a late premium payment. However, where the total unpaid premiums are less than $25, the minimum penalty can be no more than 100% of the unpaid premium amount because of the limitation in section 4007(b) of the Act on the late payment charge. The minimum penalty of the lesser of $25 or 100% of the unpaid premiums is needed to discourage nonpayment of premiums by small plans as a result of the penalty rate reduction.

The reduced late payment penalty charge is effective for premiums on or after July 31, 1984. The late payment penalty rates for premiums due prior to October 2, 1975, and for premiums due on or after October 2, 1975 and up to August 1, 1984 remain in effect.

The clarifying changes in § 2610.9 make clear that a waiver may be granted if: (1) It is applied for within 60 days after the due date and the plan demonstrates substantial hardship and pays within that 60 days; (2) it is supported by any other demonstration of good cause; or (3) PBGC grants the waiver on its own motion.

Because this amendment reduces the penalty for late payment of premiums and eases a regulatory burden on the public, general notice of proposed rulemaking is not required. See 5 U.S.C. 553(b). Accordingly, the PBGC finds that good cause exists for issuing this regulation in final form without notice and opportunity for public comment.

The PBGC has also determined that this rule in not a "major rule" within the meaning of Executive Order 12291, February 17, 1981 (46 FR 13193), because it will not have an annual effect on the economy of $100 million or more; nor will it create a major increase in costs or prices for consumers, individual industries, or geographic regions; nor will it have significant adverse effects on competition, employment, investment, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for the regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

List of Subjects in 29 CFR Part 2610

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

In consideration of the foregoing, Part 2610 of Chapter XXVI of Title 29, Code of Federal Regulations, is hereby amended as follows:

PART 2610—[AMENDED]

1. The authority citations for Part 2610 is revised to read as follows:

Authority: Secs. 4002(b)(3), 4006 and 4007, Pub. L. 93–406, as amended by Secs. 105, 403(1), 402(a)(3), and 403(b), Pub. L. 96–364, 94 Stat. 1208, 1302, 1298, 1300 (1980) (29 U.S.C 1302(b), 1306, 1307).

2. Section 2610.8 is revised to read as follows:

§ 2610.8 Late payment penalty charges.

If any premium payment due under this part is not paid by the last date prescribed for payment in § 2610.3, the PBGC will, unless a waiver is granted pursuant to § 2610.9, assess a late payment charge on the unpaid premium at the rate provided in the following tables:

Late Payment Penalty Charges

PREMIUM DUE DATE PRIOR TO OCTOBER 2, 1975

Days late from due date	Late payment charge (percent)
1 to 60	0
61 to 90	25
91 to 120	50
121 to 180	75
More than 180	100

PREMIUM DUE DATE ON OR AFTER OCTOBER 2, 1975 AND BEFORE JULY 31, 1984

Days late from due date	Late payment charge (percent)
1 to 30	5
31 to 60	10
61 to 90	20
91 to 120	40
121 to 150	60
151 to 180	80
More than 180	100

Premium Due Date on or After July 31, 1984

The greater of—

(a) 5% per month (or fraction thereof) up to 100% of the unpaid premiums; or

(b) $25 or 100% of the upaid premiums, whichever is less.

3. Section 2610.9 is revised to read as follows:

§ 2610.9 Waivers.

The late payment penalty changes imposed by § 2610.8 will not be assessed in whole or in part:

(a) With respect to any premium payment made within 60 days after the last date prescribed for payment in § 2610.3 if, before such last date, the PBGC grants a waiver upon a showing of substantial hardship arising from the timely payment of the premium and a showing of that the premiums will be paid within such 60 day period;

(b) If the PBGC grants a waiver based on any other demonstration of good cause;

(c) If the PBGC, on its own motion, waives the application of § 2610.8; or

(d) With respect to any PBGC bills for the premium payments necessary to reconcile the premiums paid with the actual premium due, if such bills are paid no later than 30 days after the date of such bills.

Raymond J. Donovan,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued pursuant to a resolution of the Board of Directors approving this regulation authorizing its Chairman to issue same.

Mitchell L. Strickler,

Acting Secretary, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc. 84-14321 Filed 5-29-84; 8:45 am]

BILLING CODE 7708-01-M

29 CFR Part 2615

Reporting and Notification Requirements for Reportable Events

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation regulation governing the requirement of notice to the Corporation of certain events by pension plans covered under Title IV of the Employee Retirement Income Security Act. On August 17, 1983, the Corporation published a Notice of Proposed Rulemaking and received comments and suggestions on the proposal. This final rule has been adopted after consideration of those comments. The amendment in this final rule waives the reporting and notification requirements, set forth in section 4043 of the Act, for all multiemployer pension plans. For single-employer plans, the amendment waives the statutory 30-day notice for one reportable event and modifies the reporting requirements for two other statutorily prescribed events. The amendment also waives the requirement in section 4065 of the Act that a list of reportable events be included in an Annual Report filed with the

Corporation by all plans covered by Title IV. The effect of the amendment will be a significant overall reduction in the reporting requirements for all pension plans covered by Title IV of the Act.

EFFECTIVE DATE: June 29, 1984.

FOR FURTHER INFORMATION CONTACT: Melanie Franco Nussdorf, Special Counsel, Legal Department, Pension Benefit Guaranty Corporation (Code 250), 2020 K Street, NW., Washington, D.C. 20006, 202–254–6476. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: Section 4043 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1343 (1976),("ERISA") sets forth several types of events with respect to which plan administrators are obligated to notify the Pension Benefit Guaranty Corporation ("PBGC") within 30 days after the event occurs. The statutory requirement applies to all pension plans covered by Title IV of ERISA. Section 4043 also authorizes the PBGC to waive notification of any such event, and to require that notification be made in the Annual Report filed by each covered plan pursuant to section 4065 of ERISA.

On September 26, 1980, the Multiemployer Pension Plan Amendments Act of 1980 (the "Multiemployer Act"), Pub. L. No. 96–364, 94 Stat. 1208, was enacted. The Multiemployer Act set forth a new comprehensive insurance program for multiemployer plans and, *inter alia*, established a number of separate reporting and notification requirements for such plans. The Multiemployer Act also amended section 4065 to authorize the PBGC to waive the requirement that the section 4043 reportable events be reported in the Annual Report filed pursuant to section 4065.

PBGC's regulation governing the filing with PBGC of notices of reportable events, which was published August 20, 1980 and subsequently recodified as 29 CFR Part 2615, June 29, 1981, covers both single-employer and multiemployer plans. That regulation enumerates those events for which notice is required either by the statute or by PBGC, and those events for which the reporting requirement is waived or modified. On August 17, 1983, PBGC published for comment in the **Federal Register**, 48 FR 37230, a proposal to amend its regulation to waive all of the section 4043 reportable events for multiemployer plans and to waive or modify three of the existing reportable events for single-employer plans. PBGC also proposed to amend its regulation to waive the requirement that section 4043 reportable events be included in the annual report required under section 4065 of ERISA.

PBGC received several comments on its proposed amendment commending its efforts to minimize reporting requirements and reduce the paperwork burden imposed by the statute. One of the comments had several specific suggestions which will be discussed in connection with specific regulatory provisions.

Changes to the 30-Day Notice Requirements

This amendment changes the final regulation governing reportable events, insofar as the 30-day notice requirements are concerned, in four ways.

First, the amendment makes the regulation inapplicable to multiemployer plans since PBGC has determined that multiemployer plan participants and the insurance program are adequately protected by the notice requirements of the Multiemployer Act. Therefore, the purpose and scope of the regulation, set forth in § 2615.1, and the definition of "plan", in § 2615.2, have been amended to exclude multiemployer plans.

Second, this amendment waives the 30-day notice required under section 4043(b)(2) of ERISA upon the adoption of a plan amendment under which the benefit payable with respect to any participant may be decreased. Section 2615.13 of the current regulation sets forth this reporting requirement, defining in detail what constitutes a decrease in a benefit payable and waiving the 30-day reporting requirement under certain conditions. Under this amendment, the PBGC waives entirely the reporting requirement since an amendment decreasing benefits payable does not, in and of itself, present a risk to the insurance program which would render reporting to the PBGC critical.

Third, this amendment modifies the requirement for reporting reductions in the number of active participants in a plan by limiting the 30-day reporting requirement to plans with relatively large amounts of unfunded vested benefits. Section 4043(b)(3) of ERISA provides that a reportable event occurs when the number of active participants in a plan is less than 80 percent of the number of active participants at the beginning of the plan year or is less than 75 percent of the number of active participants at the beginning of the previous plan year.

The current regulation, in § 2615.14, waives the 30-day reporting requirement for plans with less than 100 participants and provides for an aggregation of participants in *all* plans maintained by the employer for purposes of determining the percentage reduction. Under this amendment, an additional test related to the amount of the plan's unfunded vested liabilities is added. Thus, a 30-day notice will be required under this provision only if a plan in which there has been a participant reduction meeting the 80 percent/75 percent test described above, has a present value of unfunded vested benefits equal to or in excess of $250,000, as reported on the most recently filed IRS/DOL/PBGC Forms 5500, 5500–C, 5500–K, or 5500–R.

The final change in the 30-day notice requirements is a modification of the reporting requirements in section 4043(b)(5) of ERISA relating to a plan's failure to meet the minimum funding standards under section 412 of the Internal Revenue Code or under section 302 of ERISA. Under this amendment, the statutory reporting requirement, which is incorporated in § 2615.16, is waived unless the present value of a plan's unfunded vested benefits following a failure to meet minimum funding standards or the receipt of a minimum funding waiver, equals or exceeds $250,000, as reported on the most recently filed IRS/DOL/PBGC Forms 5500, 5500–C, 5500–K, or 5500–R.

One comment noted the need for clarification of the proposed amendment to § 2615.16. Specifically, the comment pointed to the apparent causal relationship between the failure to meet the minimum funding standards or the granting of the funding waiver and the value of the unfunded vested benefits that is implicit in the use of the phrase "as a result of." PBGC has, therefore, amended § 2615.16 to set forth clearly that the 30-day notice is required only when there is a failure to meet the minimum funding standards or a funding waiver is granted a plan *and* the present value of unfunded vested benefits equals or exceeds $250,000 when the event occurs.

The comment also suggested that the impact of the grant of a minimum funding waiver on the waiver of the 30-day notice requirement is confusing in that it appears from the proposed amendment that such grant is considered to be a reportable event. PBGC, by its proposed amendment, did intend to clarify that the granting of a funding waiver, indicating as it does that a plan is in financial difficulty, comes within the intent of the reportable event encompassing the failure to meet minimum funding standards. PBGC thereby intended to require notice of a funding waiver, but only for plans with substantial unfunded vested liabilities.

Clarifying revisions have, therefore been made to § 2615.16.

Annual Report

Pursuant to the authorization in section 4065 of ERISA, as amended by the Multiemployer Act, PBGC proposed to amend its reportable events regulation to waive the requirement under section 4043 of ERISA that reportable events be included in the Annual Report filed with PBGC. The waiver was proposed because the duplicative reporting of events in a 30-day notice and in the Annual Report is not necessary to the proper monitoring by the PBGC of single-employer plan terminations or multiemployer plan insolvencies. The proposed amendment, thus, would have eliminated the reporting requirement set forth in § 2615.4 by deleting that section from the regulation.

One comment noted that the elimination of all reference to the requirement of inclusion of reportable events in a plan's Annual Report, could lead to confusion for those unfamiliar with the history of section 4043 of ERISA. It was suggested that § 2615.4 be amended to include a specific provision concerning the elimination of the annual reporting requirement. PBGC agrees and this final rule incorporates such a provision in § 2615.4.

Miscellaneous Changes

The current regulation, in § 2615.2, states that "plan" means "a single plan (whether it be a single employer, multiemployer or multiple employer plan) as opposed to a number of plans, if, on an ongoing basis, all of the plan assets are available to pay benefits to employees who are covered by the plan and their beneficiaries". The proposed amendments attempted to simplify the definition without changing the longstanding PBGC interpretation of the meaning of plan. In order to avoid public confusion, however, PBGC has determined not to change the current regulation, and accordingly, the proposed definition is not included in this final rule.

Findings Under E.O. 12291 and the Regulatory Flexibility Act

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981 (46 FR 13193), because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries or significant adverse effects on employment, investment, productivity, innovation, or competition.

Under Section 605(b) of the Regulatory Flexibility Act, PBGC certifies that this regulation will not have a significant economic effect on a substantial number of small entities. PBGC insures benefits in over 90,000 single-employer defined benefit pension plans. Of these, only about 300 plans will need to file reports with the PBGC, and we expect that the reports will take a minimal amount of time to prepare. In addition, because this regulation would decrease reporting burdens on all plan administrators, PBGC expects that the impact of the regulation will be minimal. Accordingly, compliance with sections 603 and 604 of the Regulatory Flexibility Act is waived.

Paperwork Reduction Act of 1980

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control number 1212-0013.

Subjects in 29 CFR Part 2615

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

PART 2615—[AMENDED]

In consideration of the foregoing, Part 2615 of Subchapter C of Chapter XXVI, Title 29, Code of Federal Regulations is amended to read as follows:

1. The authority citation for Part 2615 is revised as follows:

Authority: Secs. 4002(b)(3), 4043, 4065, Pub. L. No. 93-406, 88 Stat. 1004, 1024-25, 1032, as amended by secs. 106, 403(*l*), Pub. L. 96-364, 94 Stat. 1208, 1266, 1302 (29 U.S.C. 1302(b)(3), 1343, 1365).

2. In § 2615.1, paragraph (b) is revised as follows:

§ 2615.1 Purpose and scope.

* * * * *

(b) This part applies to all plans, other than multiemployer plans, covered by section 4021 of the Act for which a Notice of Intent to Terminate under section 4041 of the Act has not been filed with the PBGC. The reporting requirements of this regulation have been approved by the Office of Management and Budget under control number 1212-0013.

3. Section 2615.4 is revised as follows:

§ 2615.4 Reporting of reportable events on annual report.

The requirement that the plan administrator report the occurrence of a reportable event described in this part in the annual report filed pursuant to Part 2611 of this chapter is waived pursuant to the provisions of section 4065 of the Act.

4. Section 2515.13 is amended by removing paragraphs (c) and (d) and revising paragraphs (a) and (b) to read as follows:

§ 2615.13 Amendment decreasing benefits payable.

(a) *Reportable event.* A reportable event occurs when an amendment to a plan is adopted under which the retirement benefit payable from employer contributions with respect to any participant may be decreased.

(b) *Waiver.* The 30-day notice requirement contained in § 2615.3(a) is waived for the event described in this section.

5. In § 2615.14, paragraph (a) is revised as follows:

§ 2615.14 Active participant reduction.

(a) *Reportable event.* A reportable event occurs when the number of active participants under a plan is less than 80 percent of the number of active participants at the beginning of the plan year, or is less than 75 percent of the number of active plan participants at the beginning of the previous plan year, and the present value of unfunded vested benefits under the plan (as reported on the most recently filed IRS/DOL/PBGC Forms 5500, 5500-C, 5500-K or 5500-R) equals or exceeds $250,000.

* * * * *

6. Section 2615.16 is revised as follows:

§ 2615.16 Failure to meet minimum funding standards and granting of funding waiver.

(a) *Reportable event.* A reportable event occurs when the plan fails to meet the minimum funding standards or is granted a minimum funding waiver under section 412 of the Code or section 302 of the Act.

(b) *Waiver.* The 30-day notice requirement contained in § 2615.3(a) is waived for the event described in this section, *unless* a plan fails to meet minimum funding standards or is granted a minimun funding waiver and the present value of unfunded vested benefits under the plan (as reported on the most recently filed IRS/DOL/PBGC Forms 5500, 5500-C, 5500-K or 5500-R)

equals or exceeds $250,000.

Raymond J. Donovan,

Chairman, Board of Directors Pension Benefit Guaranty Corporation.

Issued pursuant to a resolution of the Board of Directors approving this regulation and authorizing its Chairman to issue same.

Mitchell L. Strickler,

Acting Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 84-14320 Filed 5-29-84; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD Regulation 6010.8-R, Amdt. No. 24]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); CHAMPUS and Medicare Eligibility Regarding Age and End Stage Renal Disease

AGENCY: Office of the Secretary, DoD.

ACTION: Amendment of final rule.

SUMMARY: This final rule amends the comprehensive CHAMPUS Regulation, DoD 6010.8-R (32 CFR 199), pertaining to Medicare and CHAMPUS eligibility and the Medicare end stage renal disease program. Current provisions of DoD 6010.8-R concerning the age limitation for eligibility and certain provisions of the Medicare end stage renal disease program require change in order to bring them up to date with Medicare.

EFFECTIVE DATE: The provision of this technical change concerning the age limitation, § 199.9(e)(3)(vi)(*a*) and (e)(3)(vi)(*c*)(*i*), is effective retroactively to June 1, 1977. The provisions affected by Public Law 95-292, End Stage Renal Disease Program, §§ 199.9(e)(3)(vi)(*b*), (*b*)(*i*) and (*b*)(*ii*) and 199.10(e)(5)(iii)(*b*), are effective July 1, 1978.

FOR FURTHER INFORMATION CONTACT: Charles E. Guidice, Policy Branch, OCHAMPUS, telephone (303) 361-3586.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the Federal Register on April 4, 1977, (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

Medicare regulations state that an individual becomes eligible for Medicare on the first day of the month of his/her 65th birthday. Current CHAMPUS regulations state that beneficiaries, except dependents of active duty members, lose their eligibility for CHAMPUS upon reaching the age of 65. This amendment will bring the CHAMPUS Regulation up to date with current provisions of Medicare regulations by terminating CHAMPUS eligibility on the last day of the month preceding the month the beneficiary reaches age 65.

In addition, there is a series of other technical changes dealing with CHAMPUS and Medicare eligibility under the Medicare end stage renal disease program that require change in order to bring CHAMPUS in consonance with Medicare regulations.

Pub. L. 95-292 expands the services available under the Medicare end stage renal disease program and broadens the period of eligibility for Medicare benefits on the basis of end stage renal disease. This law waives the 3-month waiting period stipulated in the CHAMPUS Regulation if a patient participates in a self-care training program. Under current provisions if a transplant fails later than 12 months after surgery, the beneficiary waits another 3 months for Medicare. The 12 month period has been changed to 36 months and Medicare eligibility is immediately reestablished if the individual begins a regular course of dialysis or undergoes another transplant.

Pub. L. 95-292 further provides that Medicare will pay for all donor costs for individuals who participate as a kidney donor for a Medicare beneficiary. DoD 6010.8-R has been amended accordingly.

These changes are being published as a final amendment, since they are the result of a change in Medicare law and are considered technical and a time delay to publish as a proposed amendment would not be in the best interest of anyone concerned.

List of Subjects in 32 CFR Part 199

Health Insurance, Military personnel, Handicapped.

PART 199—IMPLEMENTATION OF THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

Accordingly, 32 CFR, Chapter I is amended reading as follows:

Section 199.9 is amended by revising paragraph (e)(3)(vi) introductory text, (e)(3)(vi)(*a*), (*b*)(*i*), (*c*)(*i*) and (*c*)(*ii*) to read as follows:

§ 199.9 Eligibility.

* * * * *

(e) * * *

(3) * * *

(vi) *Attainment of entitlement to hospital insurance benefits (Part A) under Medicare.* Retirees and all other CHAMPUS eligible persons except dependents of active duty members lose their eligibility for CHAMPUS if they become entitled to Hospital Insurance Benefits (Part A) of Medicare. This is true even though the persons attaining such status live outside the United States where Medicare benefits are not available.

(*a*) *Loss of CHAMPUS eligibility: Age.* All CHAMPUS beneficiaries, except dependents of active duty members, automatically lose CHAMPUS eligibility on the last day of the month preceding their 65th birthday on the assumption that they have become eligible for Medicare. If the person is not entitled to Part A of Medicare, he or she must file a Social Security Administration "Notice of Disallowance" certifying to that fact with the Uniformed Service responsible for the issuance of his or her identification card so a new card showing CHAMPUS eligibility can be issued.

(*b*) *Loss of CHAMPUS eligibility: End stage renal disease and disability.*—(*i*) *End stage renal disease.* Medicare coverage begins with the third (3rd) month after the month a course of maintenance dialysis begins, or with the month in which a patient enters the hospital to prepare to receive a transplant (providing the transplant is performed within the following two months), whichever occurs sooner. All beneficiaries, except dependents of active duty members, lose their CHAMPUS eligibility when Medicare coverage becomes available to a person because of chronic renal disease.

(*ii*) * * *

(*c*) *Reinstatement of CHAMPUS eligibility.*—(*i*) *Age limitation.* Beneficiaries who lose their CHAMPUS eligibility because they reached the age limitation and were eligible for Part A, cannot be reinstated under CHAMPUS.

(*ii*) *End Stage Renal Disease.* Medicare eligibility ceases for end stage renal disease patients thirty-six (36) months after the month in which a successful kidney transplant takes place or the month in which the course of maintenance dialysis ends. At this point CHAMPUS eligibility resumes if the person is otherwise still eligible. He or she is required to take action to be reinstated as a CHAMPUS beneficiary and to obtain a new identification card.

* * * * *

2. Section 199.10 is amended by revising paragraph (e)(5)(iii)(*b*) to read as follows:

§ 199.10 Basic program benefits.

* * * * *

(e) * * *
(5) * * *
(iii) * * *

(*b*) In most instances, for costs related to kidney transplants, Medicare (not CHAMPUS) benefits will be applicable. If a CHAMPUS beneficiary participates as a kidney donor for a Medicare beneficiary, Medicare will pay for expenses in connection with the kidney transplant to include all reasonable preparatory, operation and postoperation recovery expenses associated with the donation (postoperative recovery expenses are limited to the actual period of recovery). (Refer to paragraph (e)(3)(vi) "Eligibility.")

* * * * *

(10 U.S.C. 1079, 1086; 5 U.S.C. 301)

Dated: May 24, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 84-14371 Filed 5-29-84; 8:45 am]

BILLING CODE 3810-01-M

POSTAL SERVICE

39 CFR Part 267

Protection of Information; National Security Information

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This Final Rule makes changes to postal regulations dealing with the protection, classification and handling of national security information. The changes are consistent with an Executive Order which imposes new requirements on employees with access to national security information. The changes include a requirement to sign a nondisclosure agreement, a restriction on disclosure of classified information to individuals not authorized access, and notice that administrative sanctions may be imposed on an employee if the requirements of the regulation are not followed.

EFFECTIVE DATE: June 29, 1984.

FOR FURTHER INFORMATION CONTACT: Rafael Rios, (202) 245-4797.

SUPPLEMENTARY INFORMATION: The Postal Service published proposed changes to 39 CFR 267.5 on March 16, 1984 (49 FR 9914) inviting public comments. No comments were received. The rule implements Executive Order 12356 (April 2, 1982) by making several changes to 39 CFR 267.5. The principal changes are described above, although the rule also makes certain minor and clarifying amendments.

List of Subjects in 39 CFR Part 267

Archives and records, Classified information, Postal Service records and information, National security.

PART 267—PROTECTION OF INFORMATION

Accordingly 39 CFR is amended as follows:

In § 267.5, revise paragraphs (a), (b)(3), (c)(1) introductory text (c)(1) (i), (ii), (iii)(C), (c)(2)(v), (c)(3), (e)(1), and (e)(3)(i). The introductory text of paragraphs (c), (c)(1)(iii), (c)(2), and (e), (e)(3) appears for reader convenience.

§ 267.5 National Security Information.

(a) *Purpose and Scope.* The purpose of this section is to provide regulations implementing Executive Order 12356 National Security Information (hereinafter referred to as the Executive Order) which deals with the protection, handling and classification of national security information.

(b) * * *

(3) "In the Custody of the Postal Service" means any national security information transmitted to and held by the U.S. Postal Service for the information and use of postal officials. (This does not include any national security information in the U.S. Mails.)

(c) *Responsibility and authority.* (1) The Postal Service Records Officer serves as the USPS National Security Information Oversight Officer. This officer shall:

(i) Conduct an active oversight program to ensure that the appropriate provisions of these regulations are complied with;

(ii) Chair a committee composed of the Records Officer, the Chief Postal Inspector (USPS Security Officer), the General Counsel, the Executive Assistant to the Postmaster General, and the Director, Operating Policies Office, or their designees, with authority to act on all suggestions and complaints concerning the Postal Service's compliance with these regulations;

(iii) Ensure that appropriate and prompt corrective action is taken whenever a postal employee knowingly, willfully and without authorization:

* * * * *

(C) Violates any provisions of these regulations or procedures;

* * * * *

(2) The USPS Security Officer (the Chief Postal Inspector) shall:

* * * * *

(v) Report to the Attorney General any evidence of possible violations of federal criminal law by a USPS employee and of possible violations by any other person of those federal criminal laws.

(3) All postal employees who have access to national security information shall:

(i) Sign a nondisclosure agreement;

(ii) Be familiar with and follow all Program regulations and instructions;

(iii) Actively protect and be accountable for all national security information entrusted to their care;

(iv) Disclose national security information only to another individual who is authorized access;

(v) Immediately report to the USPS Records Officer and the USPS Security Officer any suspected or actual loss or compromise of national security information; and

(vi) Be subject to administrative sanctions should requirements (ii) through (v) not be followed.

* * * * *

(e) *General provisions*—(1) *Dissemination.* National security information received by the U.S. Postal Service shall not be further disseminated to any other agency without the consent of the originating agency.

* * * * *

(3) Freedom of Information Act or Mandatory Review Requests.

(i) Requests for classified documents made under the Freedom of Information Act (FOIA) and mandatory review requests (requests under Section 3-501 of the Executive Order for the declassification and release of information), including requests by the news media, should be submitted to: USPS Records Officer, U.S. Postal Service, Washington, D.C. 20260-5010.

* * * * *

(39 U.S.C. 401 (2), (10), 404(a)(7))

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 84-14368 Filed 5-29-84; 8:45 am]

BILLING CODE 7710-12-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

[FPMR Amdt. G-66]

Furnish Additional Information for Refunds on Ticket Exchanges

AGENCY: Office of the Comptroller, GSA.

ACTION: Final rule.

SUMMARY: This regulation requires carriers to furnish Federal agencies with the name of the traveler, in addition to the Government Transportation Request (GTR) and carrier ticket numbers, when issuing a refund for an exchanged/downgraded ticket. Some agencies are experiencing difficulty identifying refunds because of insufficient information. Agencies can credit accounts properly with the new information.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures, and Review Branch, Office of Transportation Audits (202–786–3014).

SUPPLEMENTARY INFORMATION: The revision of § 101–41.210–1 of October 26, 1982 (47 FR 47385), changed the procedure for refunding exchanged tickets from agency-issued Standard Forms (SF) 1170, Redemption of Unused Tickets, to automatic carrier refunds. The Department of the Navy is having difficulty identifying and crediting refunds. General Services Administration (GSA) asked the Air Transport Association of America (ATA) to informally poll its members to see whether including the traveler's name, in addition to the GTR, and ticket numbers with refund checks presented problems. Most members responding had no problem furnishing the information but some airlines needed time to modify their accounting systems.

GSA is not publishing a notice of proposed rulemaking (NPRM) because it involves mostly one type of transportation and many carriers within that type are agreeable to the change. The extended effective date will enable GSA to respond to questions and avoid the cost of publishing an NPRM. GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101–41

Air carriers, Accounting, Claims, Passenger services, Transportation.

Title 41, Part 101–41 of the Code of Federal Regulations is amended as follows:

PART 101–41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The authority for 41 CFR Part 101–41 is:

Authority: 31 U.S.C. 3726, and 40 U.S.C. 486(c).

2. Section 101–41.210–1 is amended by revising the introductory paragraph and paragraph (a) to read as follows:

§ 101–41.210–1 Ticket exchanges.

Agencies shall not submit an SF 1170 to a carrier to receive a refund for the unused value of an exchanged ticket (traveler exchange of an original ticket for one of lesser value) or returned ticket if the carrier has issued a receipt or a ticket refund application. Carriers are required to make refunds to the "bill charges to" office indicated on the GTR within 60 calendar days from date of ticket exchange. The refund shall include the traveler's name, GTR number, and ticket number. Agencies must provide travelers with a "bill charges to" address by attaching a copy of the GTR or some other document containing the information to the ticket or to the travel authorization. If carriers cannot identify the issuing agency, refunds will be sent directly to GSA (BWCA), Washington, D.C. 20405. These refunds are subject to the following procedures:

(a) Carriers must include the traveler's name, GTR number, ticket number, amount being refunded, and any other information pertinent to the refund.

* * * * *

Dated: May 4, 1984.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 84–14359 Filed 5–29–84; 8:45 am]

BILLING CODE 6820–AM–M

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41 CFR Part 201–4

[FIRMR Temp. Reg. 1]

ADP Services Contracting

AGENCY: Office of Information Resources Management, GSA.

ACTION: Temporary regulation.

SUMMARY: The purpose of this regulation is to amend and revise several sections in the Federal Information Resources Management Regulation (FIRMR) Subpart 201–4.12, relating primarily to modifying the Teleprocessing Service Program (TSP) to improve its efficiency and effectiveness. The recent change in statutory threshold for use of small purchase procedures is recognized. The regulation lifts the restrictions on the use of premium software and provides new guidance on benchmarking. It further incorporates the provisions in FPR Tem. Reg. 67 which expired on September 30, 1983. The intent is to provide management control of cost overruns in the use of the TSP basic agreement and diversify as well as simplify the use of the TSP multiple award schedule.

DATES: *Effective date:* This regulation is effective May 30, 1984 but may be applied from October 1, 1983.

Expiration date: September 30, 1985.

Comments due: August 28, 1984.

ADDRESS: Comments should be addressed to: General Services Administration (KMPP), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Phillip R. Patton, Policy Branch (KMPP), Office of Information Resources Management, telephone (202) 566–0194 or FTS, 566–0194.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, GSA decisions are based on adequate information concerning the need for, and the consequences of the rule. The rule is written to ensure maximum benefits to Federal agencies. This is a Government-wide management regulation that will have little or no net cost effect on society.

List of Subjects in 41 CFR Part 201

Government information resources activities, Government procurement, and ADP services contracting.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C 486(c))

In 41 CFR Chapter 201, the following FIRMR temporary regulation is added to Appendix A at the end of the chapter.

May 3, 1984.

Federal Information Resources Management Regulation Temporary Regulation 1

To: Heads of Federal agencies

Subject: Teleprocessing Services Program (TSP) changes

1. *Purpose.* This temporary regulation changes several sections in FIRMR Subpart 201–4.12, formerly designated FPR Subpart 1–4.12, relating to the administration of the Teleprocessing Services Program. It also includes the provisions in FPR Temporary regulation 67, which expired September 30, 1983.

2. *Effective date.* This regulation is effective May 30, 1984, but may be applied from October 1, 1983.

3. *Expiration date.* This regulation expires on September 30, 1985.

4. *Background.* The GSA managed Teleprocessing Services Program (TSP) is being modified to improve its efficiency and effectiveness. The regulation also responds to General Accounting Office reports "Benchmarking: Costly and Difficult, But Often Necessary When Buying Computer Equipment or Services" (GAO/AFMD 83-5, October 22, 1982) and "Contracting for Computer Teleprocessing Services can be Improved" (GAO/AFMD-83-60, June 20, 1983). The changes relate to selections under the multiple award schedule, monitoring services use under basic agreement contracts, benchmarking, technical assistance/analyst services, premium software, and other matters. It also cross-references the requirements to justify noncompetitive procurements set forth in FPR § 1-3.107 (No cross-index to FAR available).

5. *Explanation of changes.*

a. Section 201-4.1203 is amended to clarify the extent of changes that can be made under the authorization to contract and the resulting contract by revising paragraph (f), as follows:

§ 201-4.1203 Authorization for commercial ADP services contracting.

* * * * *

(f) Contract awards under the basic agreement shall be based on blanket or individual delegations of procurement authority. The resulting contract award amount and scope will redefine and limit the applicable authorization from that estimated in the agency procurement request submission or estimate, except as provided in this paragraph (f). The contract "Engineering Changes" provision is designed to accommodate changes to requirements (including equipment and software specifications) to meet changed or increased data processing requirements, to increase economy or efficiency, to improve performance or productivity, or to save energy. Any changes implemented shall be within the scope and systems life of the contract. Increased requirements up to 25 percent of those specified in the contract (including contractually specified options) shall be deemed to be requirements within the scope of this paragraph (f), provided the requirements are elected to be implemented by the contracting officer under the "Engineering Changes" provision. Other requirements shall be treated as new requirements requiring authorization for contracting under this § 201-4.1203 (see also § 201-4.1209(e)).

b. Section 201-4.1205 is revised to change the threshold for the use of small purchase procedures from $10,000 to $25,000, as follows:

§ 201-4.1205 Small purchases.

The provisions of FAR Part 13—Small purchase and other simplified purchase procedures, apply when the aggregate amount over the system life of any requirement for commercial ADP services does not exceed $25,000. In addition, for services that are available on multiple award schedule (MAS) contracts under the TSP, agencies may use simplified MAS procedures (see § 201-4.1209-3(c)).

c. Section 201-4.1206-5 is amended to cross-reference in paragraph (a) requirements which are set forth in FPR § 1-3.107 to justify noncompetitive procurements, as follows:

§ 201-4.1206-5 Noncompetitive (sole source) requirements.

(a) When only one contractor can meet the selecting agency's requirements, the agency shall document its files with the basis and justification for the source selection and retain the documentation to manage and plan for the subsequent procurement. BA selections or other contract selections over $10,000 not under the multiple award schedule must also comply with the requirements of FPR § 1-3.107. Agency ADP managers and contracting officers share responsibility for management and planning actions necessary to foster competitive conditions for subsequent procurements. An acquisition plan showing the major milestones for completing a follow-on competitive selection shall be prepared. When the estimated cost of particular requirements exceeds the sole source procurement threshold set forth in paragraph (d) of § 201-4.1203, the additional documentation required by § 201-4.1203-1(d)(4) shall be submitted with the APR.

* * * * *

d. Section 201-4.1208-2 is amended to delete the phrase "following presentation of advance written notice of —— days" from paragraph (a) of the clause so that inspections can be performed effectively, as follows:

§ 201-4.1208-2 Access to contractor facilities and records—privacy safeguards inspection.

* * * * *

(a) The Government shall be afforded full, free, and uninhibited access to all facilities and installations, and to all technical capabilities and operations, and to all documentation, records, and data bases for the purpose of carrying out a program of inspection to ensure continued efficacy and efficiency of safeguards against threats and hazards to data security, integrity, and confidentiality.

* * * * *

e. Section 201-4.1209 is amended (i) to extend to any dollar level an agency's option of not allocating time for receipt, processing, and distribution of modifications by revising paragraph (a), (ii) to correct the address in paragraph (d)(1), and (iii) to add provisions regarding agency management of TSP programs in a new paragraph (e), as follows:

§ 201-4.1209 The Teleprocessing Services Program.

* * * * *

(a) *The multiple award schedule (MAS).* (1) GSA periodically establishes a multiple award schedule under which it negotiates offerings including firm rates for services of the participating firms. These schedule contracts are made available for efficient agency acquisition. The MAS provides for incremental discounts based on each firm's total MAS dollar volume of services delivered Government-wide. However, for evaluation purposes, individual selections under the MAS will be based on an assumed "zero volume" for each contractor. Agencies will apply the volume discount for each contractor according to the agency's estimated monthly use of the requirement being evaluated. The MAS defines the terms and conditions under which a purchase order placed by an agency will be performed by the contractor selected by that agency. The MAS terms and conditions can be modified only by GSA. Under the provisions of the MAS, a participating firm may modify its service offerings through a MAS modification procedure. The MAS may be used for justified sole source requirements.

(2) Agencies shall initiate the procedures described in the Teleprocessing Services Program Handbook by notifying TSP MAS firms of their requirements and planned source selection. For all selections under the MAS, an agency has the option of not allocating time for receipt, processing, and distribution of modifications and price reductions, provided it has determined that at least two firms can satisfy the requirement and provided the letter of inquiry states this. (See § 201-4.1209-3(d) which also does not permit modifications.) If an agency chooses to disallow

modifications, it must document the procurement file to show why disallowing modifications is more advantageous than allowing modifications, e.g., immediate need of service outweighs the potential for lower pricing. The agency shall make the source selection in accordance with the terms of the MAS and shall evaluate, select a source, and issue a line item, time and resources-used, ceiling-price purchase order. The MAS shall not be used for a dedicated teleprocessing system [6] (See § 201–4.1202–7 for definition) requirement; however, portions of a system such as on-line storage and communication ports may be reserved for exclusive use by a single user or group of users.

* * * * *

(d) *TSP guidance.* (1) Guidance concerning the TSP may be obtained from the General Services Administration (KED), Washington, DC 20405 or from any GSA regional office.

(2) * * *

(e) *Agency management of TSP services.* (1) Agency management is responsible for controlling costs and taking appropriate action when expenditures for services exceed the estimates and contract ceiling amounts. An essential element in controlling costs is the establishment of procedures to account for and allocate all costs of data processing to the end users according to the services received. Principles for these procedures are set forth in GAO Accounting Pamphlet Number 4 and OMB Circular A–121.

(2) Since the use of TSP services under many TSP basic agreement contracts has substantially exceeded the estimated use and in many instances has resulted in unreasonable and excessive charges compared to the original evaluation, Federal agencies should monitor these contracts on a monthly basis. If the actual use based on expenditures exceeds the projected use by more than 25 percent for two or more consecutive months, a report should be submitted to the requiring official, with a copy to the designated senior official for the agency under the Paperwork Reduction Act. The requiring official should investigate the increased use to determine its cause(s) and develop a plan to correct the situation. Depending upon the extent of the increase, including expected duration, and whether appropriate management action will reduce the use to an acceptable level, it may be necessary for the agency to recompete its requirements. Similar procedures should be implemented for monitoring costs from purchase orders placed under the MAS.

(3) Good agency management of TSP services starts with good planning and the commitment to follow through. Maintaining current requirement specifications, workload estimates, and program packages needed for benchmarking will add flexibility to the ability to locate, respond to, and correct program deficiencies (see also § 201–4.1203(f)).

f. Section 201–4.1209–2 is amended (i) to the requirement to obtain a waiver if use of a premium software package will exceed $25,000 per year; (ii) to redefine technical assistance/analyst services to include system design and programing; and (iii) to state that predominantly local batch processing services are within the scope of the TSP and that exclusively local batch processing services are excluded. It is amended by revising paragraph (b), the introductory paragraph of (c), paragraphs (c)(2), (c)(3), and (d); by removing existing paragraphs (c)(7) and (f); and by redesignating paragraphs (g) and (h) to (f) and (g), as follows:

§ 201–4.1209–2 Scope of the TSP.

* * * * *

(b) *Excluded TSP services.* Exclusively local batch processing services are excluded.

(c) *Covered TSP support services.* Types of related ADP support services covered include:

(1) * * *

(2) Technical assistance/analyst services (TA/AS). Includes limited design and development tasks and technical assistance on the use of vendor-provided software packages. Such service shall be used only when optimizing existing application systems, provided such services are incidental to the teleprocessing services being procurred and the cost of the TA/AS does not exceed 10 percent or $100,000 (whichever is less) of the total requirement per year (see also § 201–4.1209–2(d).

(3) Use of the TSP firm's premium (extra charge) software packages related to a teleprocessing requirement;

(4) * * *

(5) * * *

(6) * * *

(d) *Limitations on TA/AS.* Technical assistance/analyst services (TA/AS) (paragraph (c)(2) of this section) have TSP acquisition dollar limitations that are reflected in both the MAS and BA. Procurement of TA/AS services that exceed the established limitations or that are for purposes other than those stated in paragraph (c)(2) above should be on a maximum practicable competition basis (see also § 201–4.1210). The dollar limitation for each teleprocessing requirement is 10 percent of the total value of the requirement per fiscal year, not to exceed $100,000 per year. The requiring agency shall obtain authorization from the GSA TSP contracting officer before placing a purchase order under the MAS or awarding a contract under the BA that includes requirements that are estimated to exceed the above limitations.

* * * * *

(f) *Excluded facilities management.* Facilities management of Government furnished ADP equipment is excluded.

(g) *Excluded ADPE.* The lease or purchase of ADPE including terminals is excluded.

g. Section 201–4.1209–3 is amended (i) to provide revised guidance on benchmarking, (ii) to clarify that the 45 day period for the availability of the benchmark applies only to requirements over $500,000 annually, (iii) to provide abbreviated procurement procedures for requirements expected to not exceed $50,000 annually and (iv) to implement the new statutory limit of $25,000 for the use of small purchase procedures. These changes are made by revising paragraphs (b)(3), (b)(4), and (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as follows:

§ 201–4.1209–3 Procedures for acquiring TSP Services.

* * * * *

(b) * * *

(3) Benchmarks are required for TSP requirements that exceed $500,000 per year unless the procuring agency determines that analytical techniques such as paper/technical evaluations will provide the accuracy needed for cost evaluation. The complexity of a benchmark or an analytical technique should be scaled to the value and complexity of the associated procurement. Benchmarks or analytical techniques may be used for annual requirements between $100,000 and $500,000. In this dollar range, minimal benchmarks (functional and/or scenario tests using vendor application software packages, etc.) should be used to the maximum practical extent. The use of benchmarks for requirements under $100,000 annually is not normally cost effective; however, a minimal benchmark may be used if an agency determines that a benchmark is needed as a reasonable basis for cost validation. The agency's benchmark package for requirements over $500,000 annually shall be available to offerors at least 45 calendar days before benchmark performance. However, if

the agency is procuring services to fulfill an urgent requirement, a shorter availability period may be specified. The selection of the benchmark workload is critical to the source selection because it will exercise the contractor's billing algorithm, a significant factor in cost determination.

(4) For selections under the MAS, prices, rates, and discounts applied in the calculation of system life cost shall conform to the terms of the schedule agreement. Related ADP support service costs for selections under the MAS, except for conversion services and system design and programing, shall be derived directly from the pricelists.

* * * * *

(c) *Low cost procurement.* When the system life estimated cost does not exceed $25,000, the MAS method provides a simplified procedure that agencies may use for selecting teleprocessing services. Requirements shall not be fragmented in order to circumvent normal TSP procedures.

(d) *Abbreviated procedures.* When the annual cost is not expected to exceed $50,000, an agency may elect to use a special abbreviated procedure under the MAS. This abbreviated procedure permits considering a limited number of MAS contractors which the selecting agency's contracting officer deems to be sufficient to satisfy the agency's requirements and meet the objective of maximum practicable competition. This abbreviated procedure does not allow letters of interest, modifications of any type, or benchmarking. The technically acceptable MAS evaluated as the lowest overall cost, price and other factors considered, shall be selected from the MAS contractors which were considered. In addition, when conducting a reprocurement with an expected annual cost not in excess of $50,000, an agency may limit the selection to contractors with compatible systems, provided the agency contracting officer determines that the selection will achieve maximum practicable competition.

(e) *Exceptions.* (1) Agencies shall attempt to satisfy their commercial ADP service requirements that are within the scope of the TSP through use of the MAS or BA methods. When it appears likely that neither method can satisfy the requirement, the agency shall conduct and document a market survey to determine the availability of the required services from participating TSP firms and from other sources that would negotiate under the TSP BA. When the results of the survey are negative, an exception exists.

(2) When a TSP exception exists and when the value of the procurement exceeds the applicable threshold (see § 201–4.1203(d)(2)), the agency APR submission shall include the following:

(i) Documentation of the survey;

(ii) Documentation describing the method of procurement contemplated because of the survey results; and

(iii) If sole source, documentation as set forth in § 201–4.1203–1(d)(4) and FPR § 1–3.107.

6. *Distribution of this directive.* Because the FIRMR looseleaf edition distribution list has not yet been established, this FIRMR temporary regulation will be distributed to addressees on GSA's FPR and FPMR Subchapters B and F publication distribution lists. It is suggested that the directive be retained for continuing use until the provisions are incorporated into the FIRMR or are otherwise superseded or canceled.

7. *Effect on other directives.* FPR Temporary Regulation 67 dated January 4, 1983, that contained provisions relating to matters covered by this regulation, has expired.

8. *Agency actions.* Pending the issuance of a permanent amendment of the Federal Information Resources Management Regulation, agencies shall follow the policies and procedures in this temporary regulation.

9. *Information and assistance.* Inquiries should be directed to Phillip R. Patton, Policy Branch (KMPP), Office of Information Resources Management, Telephone (202) 566–0194 or FTS, 566–0194.

10. *Submission of comments.* The views of agencies and other interested parties are invited regarding the effect or impact of this regulation and the policy and procedures that should be adopted in the future. All comments received within 90 days after publication in the **Federal Register** will be considered. Comments should be addressed to General Services Administration (KMPP), Washington, DC 20405.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 84–14301 Filed 5–29–84; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6540

[N–37749]

Nevada; Withdrawal for Administrative Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 10.72 acres of public land for use by the Bureau of Land Management as an administrative site. This action will close the land to surface entry and mining, but not mineral leasing for 20 years.

EFFECTIVE DATE: June 26, 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 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 land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation including the mining laws, but not the mineral leasing laws, and reserved for use by the Bureau of Land Management as the Elko District Office administrative site.

A parcel of land within the S½NW¼ of Section 1, T. 34 N., R. 55 E., MDM, Elko County, Nevada, and more particularly described as follows:

Beginning at the point of intersection of the east-west quarter-section line of said Section 1 and the newly adopted southerly right-of-way line of former U.S. Highway 40 (now 40 feet southeasterly from centerline of said highway), as Corner No. 1, from which point the West quarter-section corner of said Section 1 bars S. 89°08'02" W. 576.09 feet,

thence along said new right-of-way, from a tangent bearing W. 38°31'09" E. on a curve to the right, with a radius of 9960 feet, through a central angle of 0°38'59" an arc distance of 112.95 feet, to Corner No. 2,

thence continuing along said new right-of-way N. 39°10'08" E. 474.25 feet to Corner No. 3,

thence N. 89°08'02" E. 849.20 feet to Corner No. 4,

thence S. 0°51'58" E. 450.00 feet to Corner No. 5, a point on the east-west quarter-section line of said Section 1,

thence along said line S. 89°08'02" W. 1226.43 feet to Corner No. 1, the point of beginning.

The area described above comprises 10.72 acres in Elko County.

3. 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. 1713(f), the Secretary determines that the withdrawal shall be extended.

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

Dated: May 21, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84-14397 Filed 5-29-84; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-237; RM-4355; RM-4461]

FM Broadcast Stations in Hilton Head Island and Bluffton, South Carolina; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Denial of petition for reconsideration of final rule.

SUMMARY: Action taken herein denies the petition for reconsideration of Plantation Broadcasting Corporation which sought the assignment of FM Channel 296A to Hilton Head Island, South Carolina, instead of to Bluffton, South Carolina. The channel remains at Bluffton as its first local FM assignment.

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

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Memorandum Opinion and Order

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Hilton Head Island and Bluffton, South Carolina), MM Docket No. 83-237, RM-4355, RM-4461.

Adopted: May 9, 1984.
Released: May 21, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for reconsideration filed by Plantation Broadcasting Corporation ("Plantation") of the *Report and Order*, 48 FR 45403, published October 5, 1983, which assigned FM Channel 296A to Bluffton, South Carolina, instead of to Hilton Head Island, South Carolina. Comments were filed by Bluffton Radio Associates ("BRA"), Women's Broadcasting Coalition ("WBC") and Bromo Communications ("Bromo").

2. On March 14, 1983, the Commission adopted a *Notice of Proposed Rule Making* proposing the assignment of Channel 296A to Hilton Head Island, as that community's third local FM assignment, at the request of Inter-Island Broadcasters ("Inter-Island"). During the comment period, BRA filed a counter-proposal requesting the assignment of that channel to Bluffton. Due to mileage constraints, the channel could not be assigned to both communities and it was determined that no other channel was available for assignment to either community. The Commission assigned the channel to Bluffton on the basis that it had no local FM service whereas Hilton Head received service from two existing stations, with multiple applications pending for use of a third channel, Channel 288A, there and at Bluffton. In addition, Inter-Island submitted reply comments stating that it had no objection to the Bluffton assignment and would apply for authorization on that channel, if assigned there. The only parties to file comments to the *Notice* were Inter-Island and BRA.

3. Plantation states that it is one of the remaining eight applicants, out of an original eighteen, for use of Channel 288A (MM Docket 83-158, *et al.*). It was originally one of three applicants for use of that channel at Bluffton, requested under then existing § 73.203(b) of the rules, but states that the other two applicants, Port Royal Broadcasting, Inc. and Tradewinds Broadcasting, Ltd., have requested dismissal of their applications. Therefore, Plantation concluded, with the absence of any qualifying issues being raised against it in the comparative hearing and the fact that Bluffton was without any local FM service, it felt that there was no doubt that it would be the prevailing applicant. It further states that as the comparative hearing has now concluded, it believes that an initial decision will be forthcoming within six months. With its belief in the imminent grant of its application if it remains a first service, it states that Bluffton would receive service much earlier by assigning the new channel to Hilton Head.

4. Additionally, based on the interest expressed in utilizing Channel 288A, Plantation believes that there will be multiple applications for Channel 296A which would require another comparative hearing and thereby substantially delay any activation of that channel. Plantation indicates that the Commission's presiding officer stated, on the record, that the assignment of a new channel at Bluffton "could have a significant impact on the hearing, and that he would be reluctant to assign two stations to serve Bluffton."

5. Plantation calls into question the *bona fides* of BRA, stating that it is represented by counsel and an engineering consultant which also represent one of the applicants for Channel 288A at Hilton Head. Since the Commission does not require disclosure of the principals at the rule making stage, it avers that there is no way of determining if BRA can be relied upon to fulfill its stated intent to apply for the Bluffton assignment. In view of the impact a Bluffton assignment could have on the comparative hearing, it requests that the Commission require BRA to provide "some evidence of its ownership" to determine its validity as a prospective applicant. Plantation concludes with a statement that the petition for reconsideration complies with § 1.429 of the rules in that it is based on new facts and changed circumstances which have occurred since Plantation's last opportunity to present them to the Commission.

6. Bromo Communications filed comments stating that it does not represent BRA. It does, however, represent Inter-Island which originally sought the assignment of Channel 296A to Hilton Head, the result which Plantation supports. BRA merely obtained from the Commission's public files a copy of one of Bromo's technical submissions prepared in connection with the Hilton Head allocation proceeding. Additionally, although it has no knowledge as to the validity of BRA's stated intention to apply for the frequency at Bluffton, Bromo states that it has completed the technical portion of the application for Inter-Island which plans to promptly file an application for its use.

7. BRA and WBC separately filed comments in opposition to the petition for reconsideration. Both parties state that Plantation has presented no new facts or changed circumstances which have presented themselves since the record closed herein, or facts which could not have been known through the exercise of reasonable diligence. In fact, both characterize Plantation's allegations of fact, *i.e.*, its preferred status in the comparative hearing and the imminence of a final decision therein, as being merely speculative. Additionally, they point out that the

Commission was well aware of the existence of the comparative proceeding and indeed stated in the *Report and Order* that although there was a possiblility that one of the Bluffton applicants for Channel 288A could ultimately be awarded the grant of a construction permit, it was preferable to ensure that Bluffton did receive its first local service by assigning it a channel of its own. Therefore, both parties state that Plantation's reconsideration request fails to meet the requirements of § 1.429.

8. As to the future delay in initiating service at Bluffton because of the possibility of multiple applications and the necessity for another comparative hearing, BRA and WBC aver that this is merely a guess on Plantation's part. WBC points out that if indeed there are multiple applications, there is no way of foretelling whether settlement negotiations could be consummated quickly, thus negating any need for a comparative hearing. Finally, it is stated by WBC and BRA that Plantation, with ample opportunity to not only be aware of this proceeding but to participate in it with the filing of comments, chose not to do so. It is averred by WBC that had Plantation filed comments herein supporting the assignment for Hilton Head, it would have had to argue that Bluffton was not the preferred location and thereby jeopardized its position in the comparative hearing.

9. We find that the petition for reconsideration of Plantation does not meet the standards for consideration as set forth in § 1.429 of our rules. We can detect no facts or circumstances of decisional weight which have changed since the record closed herein. The Commission was well aware of the existence of the comparative hearing for Channel 288A and in fact stated in paragraph 5 of the *Report and Order* that the assignment was being made to Bluffton to ensure that it received its first local service "regardless of the possibility that Channel 288A could be licensee to Bluffton." The existence of the counterproposal to assign Channel 296A to Bluffton was released to the public on June 6, 1983 (Public Notice, Report No. 1407). On May 20, 1983, Inter-Island formally filed its reply comments to the counterproposal stating that it not only had no objection to the assignment at Bluffton, but would apply for use of that frequency there. Plantation could have been aware of this interest by merely checking the public record in this proceeding. Additionally, should Plantation not be the successful applicant for use of Channel 288A, which is assigned to Hilton Head, it may apply for authorization on Channel 296A which is assigned to Bluffton, the community it has stated it wishes to serve.

10. As to Plantation's request that the Commission require BRA to provide ownership information in order to determine that its stated intention to apply for Channel 296A is *bona fide*, the Commission has held on numerous occasions that the qualifications of the petitioner cannot be properly considered at the rule making stage. Instead the issue should be raised at the application stage, where it can be considered in conjunction with any other applications for use of that channel. See, *e.g., Caldwell, Ohio*, 46 R.R. 2d 1453 (1980). In this proceeding, the Commission was made aware of more than one interest in applying for the frequency at Bluffton and indeed Bromo Communications has stated that it has completed the technical portion of the required application on behalf of Inter-Island. See paragraph 6, *infra*. We agree with the opposing parties that Plantation's assertion is not fact but speculation that it will be the successful applicant in the comparative hearing in MM Docket 83-158, *et al.* only if Channel 296A is assigned to Hilton Head. Its claim that the imminent decision there would provide service more rapidly to Bluffton than if service must await what it sees as the necessity to participate in another comparative hearing on Channel 296A is again not based on known facts. The Commission cannot prejudge the decision on the use of Channel 288A nor can it know with any certainty that multiple applications will be filed for Channel 296A or that there will not be settlement agreements reached, thus negating any comparative hearing.

11. Therefore, for the reasons set forth above, we hereby affirm the decision reached in the *Report and Order* assigning Channel 296A to Bluffton, South Carolina. Accordingly, it is ordered, That the petition for reconsideration filed by Plantation Broadcasting Corporation is denied.

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

13. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-14342 Filed 5-29-84; 845 am]

BILLING CODE 6712-01-M

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47 CFR Part 83

[PR Docket No. 83-11]

Amendment Requiring Compulsory Telegraph Vessels To Be Capable of Generating a Specified Field Strength at a Distance of One Nautical Mile; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule, correction.

SUMMARY: This document corrects an error in the Report and Order in this proceeding concerning amendment of the Commission's rules to require compulsory telegraph vessels to be capable of generating a specified minimum field strength at a distance of one nautical mile.

FOR FURTHER INFORMATION CONTACT: Richard Feser, Private Radio Bureau, (202) 632-7175.

List of Subjects in 47 CFR Part 83

Ship station, Telegraph.

Second Erratum

In the matter of amendment of Part 83 of the rules to require compulsory telegraph vessels to be capable of generating a specified minimum field strength at a distance of one nautical mile. (PR Docket No. 83-11).

Released: May 21, 1984.

§ 83.446 [Corrected]

1. On September 7, 1983, the Commission released the above captioned Report and Order, FCC 83-384, published in the **Federal Register** at 48 FR 41771, September 19, 1983. In the Appendix, paragraph 3 is corrected by replacing in paragraph (a)(2) of § 83.446, the third sentence of the paragraph, the words "reserve antenna" with "main antenna."

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 84-13826 Filed 5-29-84; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 49, No. 105
Wednesday, May 30, 1984

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 444

[Amdt. No. 1]

Fresh Tomato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby proposes to amend the Fresh Tomato Crop Insurance Regulations (7 CFR Part 444), effective for the 1985 and succeeding crop years by (1) specifying named perils as the causes of loss to be insured against; (2) prohibiting coverage for tomatoes grown for direct consumer marketing; (3) providing that coverage will not attach to an acreage where tomatoes were planted the previous planting period unless the tomato plants from the previous period were destroyed less than 60 days after date of direct seeding; (4) providing that lack of available plants will not be a consideration in determining whether or not an acreage should be replanted; (5) providing for final planting dates in the actuarial tables; (6) including ripe tomatoes in production to count; (7) increasing the minimum value of unsold, harvested, or appraised production with respect to the allowable cost for harvest and hauling; (8) defining maximum bed width; (9) redefining the planting period; and, (10) adding two sections dealing with "notices" and "determinations." This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended. The intended effect of this rule is to update the policy for insuring fresh tomatoes.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than July 30, 1984, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

The Impact Statement describing the options considered in developing this proposed rule and the impact of implementing each option are available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 (December 15, 1983). This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is April 1, 1988.

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

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

As set forth in the final rule related notice to 7 CFR Part 3015, Subpart V (48 FR 29116, June 24, 1983), the Federal Crop Insurance Corporation's program and activities, requiring intergovernmental consultation with State and local officials, are excluded from the provisions of Executive Order No. 12372.

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

All written comments made pursuant to this notice will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 444

Crop insurance, Fresh market tomatoes.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to amend the Fresh Market Tomato Crop Insurance Regulations (7 CFR Part 444), effective with the 1985 and succeeding crop years, in the following instances:

PART 444—[AMENDED]

1. The authority citation for 7 CFR Part 444 is:

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

2. 7 CFR 444.7(d) is amended by revising the Fresh Market Tomato Crop Insurance Policy therein to read as follows:

§ 444.7 The application and policy.

* * * * *

(d)* * *

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Fresh Market Tomato—Crop Insurance Policy

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

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

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

Terms and Conditions

1. Causes of Loss.

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

(1) Frost;
(2) Freeze;
(3) Hail;
(4) Fire;
(5) Tornado;
(6) Hurricane;
(7) Tropical depression that has been named by the U.S. Weather Service; or
(8) Failure of the water supply after planting due to an unavoidable cause;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9f(6).

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

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

(2) The failure to follow recognized good fresh market tomato (tomato) farming practices;

(3) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project;

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

(5) The failure to carry out a good tomato irrigation practice; or

(6) The breakdown of irrigation equipment or facilities.

2. Crop, Acreage, and Share Insured.

a. The crop insured shall be tomatoes (excluding cherry-type tomatoes) which are planted for harvest as fresh market tomatoes in which you have a share as reported by you or as determined by us, whichever we shall elect; which are grown on insured acreage; and for which an amount of insurance and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year shall be irrigated acreage designated as insurable by the actuarial table.

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

d. We shall not insure any acreage of tomatoes grown by any person if:

(1) The person had not grown tomatoes for commercial sales the previous crop year; or

(2) The person had not participated in the management of the tomato farming operation the previous crop year.

e. We do not insure any acreage:

(1) Of tomatoes grown for direct consumer marketing;

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

(3) Which is not irrigated;

(4) On which tomatoes are not grown on plastic mulch;

(5) On which tomatoes, peppers, eggplants or tobacco have been grown and the soil was not fumigated before the planting of tomatoes;

(6) Which was planted to tomatoes the preceding planting period, unless the tomato plants of the preceding planting period were destroyed:

(a) Less than 30 days after the date of transplanting; or

(b) Less than 60 days after the date of direct seeding;

(7) Which is destroyed and which we determine it is practical to replant to tomatoes and such acreage was not replanted. We will not consider availability of plants for replanting in our determination of the practicability of replanting;

(8) Initially planted after the final planting date contained in the actuarial table;

(9) Of volunteer tomatoes;

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

(11) Planted for experimental purposes; or

(12) Planted with a crop other than tomatoes.

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

3. Report of Acreage, Share, and Practice.

You shall report at the time of each planting period on our form:

a. All the acreage of fall, winter and spring-planted tomatoes in the county in which you have a share;

b. The practice, including the bed size; and

c. Your share.

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

4. Coverage Levels and Amounts of Insurance.

a. The coverage levels and amounts of insurance shall be contained in the actuarial table.

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

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

5. Annual Premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the amount of insurance, times the premium rate, times the insured acreage, times your share at the time of each planting, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

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

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse if you die;

(2) The contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) Your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions For Debt.

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

7. Insurance Period.

Insurance attaches when the tomatoes are planted in each planting period and ends at the earliest of:

a. Total destruction of the tomatoes on the unit;

b. Discontinuance of harvest on the unit;

c. The date harvest should have started on the unit on any acreage which will not be harvested;

d. Final harvest; or

e. Final adjustment of a loss.

8. Notice of Damage or Loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant tomatoes damaged due to any insured cause. (To qualify for a replanting payment, the acreage replanted shall be at least the lessor of 10 acres or 10 percent of the insured acreage sustaining a loss in excess of 50 percent of the plant stand on the unit);

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

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

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

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

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

(3) If probable loss is later determined and you are going to claim an indemnity on any unit, notice shall be given not later than 48 hours;

(a) After total destruction of the tomatoes on the unit;

(b) After discontinuance of harvest on the unit; or

(c) Before harvest would normally start if any acreage on the unit is not to be harvested.

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

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

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

9. Claim For Indemnity.

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

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

(2) Discontinuance of harvesting on the unit; or

(3) The date harvest should have started on the unit on any acreage which will not be harvested.

b. We will not pay any indemnity unless you:

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

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

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

(1) Multiplying the insured acreage by the amount of insurance times the percentage for the stage of production defined by the actuarial table;

(2) Subtracting therefrom the total value of production to be counted (see section 9f); and

(3) Multiplying this result by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

e. The indemnity shall be reduced by the amount of any replanting payment.

f. The total value of production to be counted for a unit shall include all harvested and appraised production.

(1) The total value shall include any amount received for tomatoes on the unit minus the allowable cost as designated by the actuarial table.

(2) The value of appraised production to be counted include:

(a) "The value of unharvested production of mature green and riper tomatoes with classification size of 7 × 7 (2$^{3}/_{32}$ inch minimum diameter) or larger and the value of the potential production lost due to uninsured causes and failure to follow recognized good tomato farming practices;

(b) Not less than the dollar amount of insurance per acre for any acreage abandoned or put to another use without prior written consent or is damaged solely by an uninsured cause;

(c) The value of any appraised production of mature green and riper tomatoes with classification size of 7 × 7 or larger on unharvested acreage.

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

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

(b) Harvested; or

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

(4) We may determine the amount and value of production of any unharvested tomatoes on the basis of field appraisals conducted after the end of the insurance period.

(5) The value of unsold harvested or appraised production shall be determined by multiplying such production by the simple average F.O.B. shipping point price per 25-pound carton (minus allowable cost as shown by the actuarial table), as reported by the Federal-State Market News Service, for the classification size, for the seven consecutive market days commencing the earlier of:

(a) The date harvest starts; or

(b) The date harvest could have started on any acreage which will not be harvested.

The price for such tomatoes shall not be less than $6.50 per 25-pound carton minus allowable cost shown by the actuarial table.

(6) When you have elected exclude hail and fire as insured causes of loss and the tomatoes are damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with Form FCI–78–A, "Request to Exclude Hail and Fire".

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

g. A replanting payment may be made on any insured tomatoes replanted after we have given consent and the acreage replanted is at least the lesser of 10 acres or 10 percent of the insured acreage sustaining a loss in excess of 50 percent of the plant stand for the unit.

(1) No replanting payment shall be made on acreage on which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre shall be your actual cost per acre for replanting,

but shall not exceed the product obtained by multiplying $175.00 per acre by your share.

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

i. Any replanting payment shall be considered as an indemnity.

j. You shall not abandon any acreage to us.

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

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

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

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

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

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

10. Concealment or Fraud.

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

11. Transfer of Right To Indemnity on Insured Share.

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

12. Assignment of Indemnity.

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

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

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

14. Records and Access to Farm.

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

15. Life of Contract: Cancellation and Termination.

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

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

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

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

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are July 31 for all counties.

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

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

16. Contract Changes.

We may change any terms and provisions of the contract from year to year. If your amount of insurance at which indemnities are computed is no longer offered, the actuarial table will provide the amount of insurance which you shall be deemed to have elected. All contract changes will be available at your service office by April 30 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of tomato crop insurance:

a. "Acre" means 43,650 square feet of plastic mulch not more than 6 feet wide (6 foot bed) on which at least 7,260 linear feet row(s) are planted.

b. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amount of insurance, coverage levels, premium rates, practices, insurable and uninsurable acreage, and related information regarding tomato insurance in the county.

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

d. "Crop year" means the period within which the tomatoes are normally grown beginning August 1 and continuing through the harvesting of the spring-planted tomatoes and shall be designated by the calendar year in which the spring-planted tomatoes are normally harvested.

e. "Direct Consumer Marketing" means tomatoes which are grown for the purpose of selling the tomatoes produced, directly to the consumer; and acreage which is not subject to an agreement between producer and packer to pack the production. (The agreement must be made before you report your acreage.)

f. "Harvest" means the final picking of marketable tomatoes on the unit.

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

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

i. "Mature green tomato" means a tomato which:

(1) Has heightened gloss because of the waxy skin that cannot be torn by scraping;

(2) Has well formed jelly-like substance in the locules;

(3) Has seeds that are sufficiently hard so they are pushed aside and not cut by a sharp knife in slicing; and

(4) Show no red color.

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

k. "Planting" means transplanting the tomato plants into the field or direct seeding in the field.

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

m. "Plant Stand" means the number of live plants per acre before the plants were damaged due to insurable causes.

n. "Replanting" means performing the cultural practices necessary to replant insured acreage to tomatoes.

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

p. "Tenant" means a person who rents land from another person for a share of the

tomatoes or a share of the proceeds therefrom.

q. "Unit" means all insurable acreage of tomatoes for each planting period in the county on the date of planting for the crop year:

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

(2) Which is owned by one entity and operated by another entity on a share basis.

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

18. Descriptive Headings.

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

19. Determinations.

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

20. Notices.

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

Approved by the Board of Directors on March 28, 1984.

Dated: May 22, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84-14222 Filed 5-29-84; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 445

[Amdt. No. 1]

Pepper Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby proposes to amend the Pepper Crop Insurance Regulations (7 CFR Part 445), effective for the 1985 and succeeding crop years by (1) specifying named perils as the causes of loss to be insured against; (2) prohibiting coverage for peppers grown for direct consumer marketing; (3) providing that coverage will not attach to acreage where peppers were planted the previous planting period unless the previous pepper plants were destroyed less than 60 days after date of direct seeding; (4) providing that lack of available plants will not be a consideration in determining whether or not acreage should be replanted; (5) providing that the final planting dates will be in the actuarial tables rather than in the policy; (6) increasing the minimum value of unsold, harvested, or appraised production with respect to the allowable cost for harvest and hauling; (7) increasing the replanting payment to $300 per acre; (8) defining maximum bed width; (9) redefining the planting period; and, (10) adding two sections dealing with "notices" and "determinations." This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended. The intended effect of this rule is to update the policy for insuring peppers.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than July 30, 1984, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

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

The Impact Statement describing the options considered in developing this proposed rule and the impact of implementing each option are available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 (December 15, 1983). This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is April 1, 1988.

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

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

As set forth in the final rule related notice to 7 CFR Part 3015, Subpart V (48 FR 29116, June 24, 1983), the Federal Crop Insurance Corporation's program and activities, requiring intergovernmental consultation with State and local officials, are excluded from the provisions of Executive Order No. 12372.

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

All written comments made pursuant to this notice will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 445

Crop insurance, Peppers.

Proposed Rule

PART 445—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to amend the Pepper Crop Insurance Regulations (7 CFR Part 445), effective with the 1985 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR Part 445 is:

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

2. 7 CFR 445.7(d) is amended by revising the Pepper Crop Insurance Policy therein to read as follows:

§445.7 The application and policy.

* * * * *

(d) * * *

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Pepper—Crop Insurance Policy

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

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

Throughout this policy, "you" and "your" refer to the insured shown on the accepted

Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of Loss.

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

(1) Frost;

(2) Freeze;

(3) Hail;

(4) Fire;

(5) Tornado;

(6) Hurricane;

(7) Tropical depression that has been named by the U.S. Weather Service; or

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

unless those causes are excepted, excluded, or limited by the actuarial table or section 9f(7).

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

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

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

(3) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project;

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

(5) The failure to carry out a good pepper irrigation practice; or

(6) The breakdown of irrigation equipment of facilities.

2. Crop, Acreage, and Share Insured.

a. The crop insured shall be peppers which are planted for harvest as fresh market peppers in which you have a share as reported by you or as determined by us, whichever we shall elect; which are grown on insured acreage; and for which an amount of insurance and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year shall be irrigated acreage designated as insurable by the actuarial table.

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

d. We shall not insure any acreage of peppers grown by any person if:

(1) The person had not grown peppers for commercial sales the previous crop year; or

(2) The person had not participated in the management of the pepper farming operation the previous crop year.

e. We do not insure any acreage:

(1) Of peppers grown for direct consumer marketing;

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

(3) Which is not irrigated;

(4) On which peppers are not grown on plastic mulch;

(5) On which tomatoes, peppers, eggplants or tobacco have been grown and the soil was not fumigated or properly treated before planting of peppers;

(6) Which was planted to peppers the preceding planting period, unless the pepper plants of the preceding planting period were destroyed: (a) Less than 30 days after the date of planting; or (b) Less than 60 days after the date of direct seeding;

(7) Which is destroyed and which we detemine it is practical to replant to peppers and such acreage was not replanted. We will not consider availability of plants for replanting in our determination of the practicibility of replanting;

(8) Initially planted after the final planting date contained in the actuarial table;

(9) Of volunteer peppers;

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

(11) Planted for experimental purposes; or

(12) Planted with a crop other than peppers.

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

3. Report of Acreage, Share, and Practice.

You shall report at the time of each planting period on our form:

a. All the acreage of fall, winter and spring-planted peppers in the county in which you have a share.

b. The practice, including the bed size; and

c. Your share.

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

4. Coverage Levels and Amounts of Insurance.

a. The coverage levels and amounts of insurance shall be contained in the actuarial table.

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

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

5. Annual Premium

a. The annual premium is earned and payable at the time of planting. The amount is computed by miltiplying the amount of insurance, times the premium rate, times the insured acreage, times your share at the time or each planting, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

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

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse if you die;

(2) The contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) Your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for Debt.

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

7. Insurance Period.

Insurance attaches when the peppers are planted in each planting period and ends at the earliest of:

a. Total destruction of the peppers on the unit;

b. Discontinuance of harvest on the unit;

c. The date harvest should have started on the unit on any acreage which will not be harvested;

d. Final harvest; or

e. Final adjustment of a loss.

8. Notice of Damage or Loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant peppers damaged due to any insured cause. (To qualify for a replanting payment, the acreage replanted shall be at least the lesser of 10 acres or 10 percent of the insured acreage sustaining a loss in excess of 50 percent of the plant stand on the unit.);

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

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

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

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

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

(3) If probable loss is later determined and you are going to claim an indemnity on any unit, notice shall be given not later than 48 hours:

(a) After total destruction of the peppers on the unit;

(b) After discontinuance of harvest on the unit; or

(c) Before harvest would normally start if any acreage on the unit is not to be harvested.

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

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

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

9. Claim for Indemnity.

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

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

(2) Discontinuance of harvesting on the unit; or

(3) The date harvest should have started on the unit on any acreage which will not be harvested.

b. We will not pay any indemnity unless you:

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

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

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

(1) Multiplying the insured acreage by the amount of insurance times the percentage for the stage of production defined by the actuarial table;

(2) Subtracting therefrom the total value of production to be counted (see section 9f); and

(3) Multiplying this result by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

e. The indemnity shall be reduced by the amount of any replanting payment.

f. The total value of production to be counted for a unit shall include all harvested and appraised production.

(1) The total value shall include any amount received for peppers on the unit minus the allowable cost as designated by the actuarial table.

(2) The value of appraised production to be counted shall include:

(a) The value of unharvested mature green and red peppers and the value of the potential production lost due to uninsured causes and failure to follow recognized good pepper farming practices;

(b) Not less than the dollar amount of insurance per acre for any acreage abandoned or put to another use without prior written consent or is damaged solely by an uninsured cause;

(c) The value of any appraised production of mature green and red peppers on unharvested acreage.

(3) Unharvested peppers injured or with defects due to insurable causes which cannot be marketed shall not be counted.

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

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

(b) Harvested; or

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

(5) We may determine the amount and value of production of any unharvested peppers on the basic of field appraisals conducted after the end of the insurance period.

(6) The value of unsold harvested or appraised production shall be determined by multiplying such production by the simple average F.O.B. shipping point price per 1⅑ bushel (minus allowable cost as shown by the actuarial table), as reported by the Federal-State Market News Service, for the seven consecutive market days commencing the earlier of:

(a) The date harvest starts; or

(b) The date harvest could have started on any acreage which will not be harvested.

The price for such peppers shall not be less than $8.00 per 1⅑ bushel minus allowable cost shown by the actuarial table.

(7) When you have elected to exclude hail and fire as insured causes of loss and the peppers are damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with Form FCI–78–A, "Request to Exclude Hail and Fire".

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

g. A replanting payment may be made on any insured peppers replanted after we have

given consent and the acreage replanted is at least the lesser of 10 acres or 10 percent of the insured acreage sustaining a loss in excess of 50 percent of the plant stand for the unit.

(1) No replanting payment shall be made on acreage on which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre shall be your actual cost per acre for replanting, but shall not exceed the product obtained by multiplying $300.00 per acre by your share.

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

i. Any replanting payment shall be considered as an indemnity.

j. you shall not abandon any acreage to us.

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

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

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

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

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

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

10. Concealment or Fraud.

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

11. Transfer of Right to Indemnity on Insured Share.

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

12. Assignment of Indemnity.

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

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

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

14. Records and Access to Farm.

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

15. Life of Contract: Cancellation and Termination.

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

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

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

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

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are July 31 for all counties.

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

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

16. Contract Changes.

We may change any terms and provisions of the contract from year to year. If your amount of insurance at which indemnities are computed is no longer offered, the actuarial table will provide the amount of insurance which you shall be deemed to have elected. All contract changes will be available at your service office by April 30 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of Terms.

For the purposes of pepper crop insurance:

a. "Acre" means 43,650 square feet of plastic mulch not more than 6 feet wide (6 foot bed) on which at least 7,260 linear feet row(s) are planted.

b. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amount of insurance, coverage levels, premium rates, practices, insurable and uninsurable acreage, and related information regarding pepper insurance in the county.

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

d. "Crop year" means the period within which the peppers are normally grown beginning August 1 and continuing through the harvesting of the spring-planted peppers and shall be designated by the calendar year in which the spring-planted peppers are normally harvested.

e. "Direct Consumer Marketing" means peppers which are grown for the purpose of selling the peppers produced directly to the consumer; and acreage which is not subject to an agreement between producer and packer to pack the production. (The agreement must be made before you report your acreage.)

f. "Harvest" means the final picking of marketable peppers on the unit.

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

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

i. "Mature green pepper" means a pepper which has reached the stage of development that will withstand normal handling and shipping.

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

k. "Planting" means transplanting the pepper plant into the field or direct seeding in the field.

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

m. "Plant Stand" means the number of live plants per acre before the plants were damaged due to insurable causes.

n. "Replanting" means performing the cultural practices necessary to replant insured acreage to peppers.

o. "Service office" means the office servicing your contract as shown on the

application for insurance or such other approved office as may be selected by you or designated by us.

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

q. "Unit" means all insurable acreage of peppers for each planting period in the county on the date of planting for the crop year:

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

(2) Which is owned by one entity and operated by another entity on a share basis.

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

18. Descriptive Headings.

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

19. Determinations.

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

20. Notices.

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

Approved by the Board of Directors on March 28, 1984.

Date: May 22, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Edward Hews,

Acting Manager.

[FR Doc. 84-14221 Filed 5-29-84; 8:45 am]

BILLING CODE 3410-08-M

Office of the Secretary

7 CFR Part 3201

Special Research Grants Program; Administrative Provisions

AGENCY: Cooperative State Research Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes rules relating to the administration of the Special Research Grants Program conducted under the authority of Section 2(c)(1) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)(1)). The issuance of these rules will establish the procedures to be followed annually in the solicitation of special research grant proposals, the evaluation of such proposals, and the award of special research grants.

DATE: Written comments concerning the proposed regulations are invited from interested individuals and organizations. To be considered, all relevant material must be received on or before September 1, 1984.

ADDRESS: Written comments must be submitted *in duplicate* to: Grants Administrative Management, Office of Grants and Program Systems, Room 112, West Auditor's Building, 15th and Independence Avenue, SW., Washington, D.C. 20251. All comments received will be available for public inspection at said office on weekdays between the hours of 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Terry J. Pacovsky (202) 475-5024.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35, Section 3504(h)), the collection of information requirements contained in this rule have been approved under OMB Document No. 0524-0010.

Classification

This proposed rule has been reviewed under Executive Order 12291 and it has been determined that it is not a major rule because it does not involve a substantial or major impact on the nation's economy or on large numbers of individuals or businesses. There will be no major increase in cost or prices for consumers, individual industries, Federal, state, or local governmental agencies, or geographical regions. It will not have a significant economic impact on competitive employment, investment, productivity, innovation, or on the ability of U.S. enterprises to compete with foreign-based enterprises in domestic or export markets. In addition, it will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96-534 (5 U.S.C. 601).

Regulatory Analysis

Not required for this proposed rulemaking.

Environmental Impact Statement

This regulation does not significantly affect the environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Catalog of Federal Domestic Assistance

10.200, Grants for Agricultural Research, Special Research Grants.

Background and Purpose

Under the authority of Section 2(c)(1) of the Act of August 4, 1965, as amended, the Secretary of Agriculture is authorized to make special grants for research to facilitate or expand promising breakthroughs in areas of the food and agricultural sciences of importance to the nation to land-grant colleges and universities, research foundations established by land-grant colleges and universities, state agricultural experiment stations, and to all colleges and universities having a demonstrable capacity in food and agricultural research. In the past, a Notice was published in the **Federal Register** annually announcing the availability of funds for special research grants and soliciting proposals. In addition, the Notice set forth the procedures and criteria for the evaluation of the proposals and the procedures and conditions relating to the award and administration of these grants. This proposed rule will establish and codify such procedures, criteria, and conditions to be employed annually. It will standardize the rules applicable to the administration of the Special Research Grants Program and will eliminate the need to republish them annually.

List of Subjects in 7 CFR Part 3201

Grant programs—agriculture, Grant administration.

It is therefore proposed to amend Title 7, Subtitle B of the Code of Federal Regulations, by adding Part 3201 to Chapter XXXII to read as follows:

CHAPTER XXXII SCIENCE AND EDUCATION

PART 3201—SPECIAL RESEARCH GRANTS PROGRAM

Subpart A—General

Sec.

3201.1 Applicability of regulations.
3201.2 Definitions.
3201.3 Eligibility requirements.
3201.4 How to apply for a grant.

Sec.

3201.5 Evaluation and disposition of applications.
3201.6 Grant awards.
3201.7 Use of funds; changes.
3201.8 Other Federal statutes and regulations that apply.
3201.9 Other conditions.

Subpart B—Scientific peer review of research grant applications

3201.10 Establishment and operation of peer review groups.
3201.11 Composition of peer review groups.
3201.12 Conflicts of interest.
3201.13 Availability of information.
3201.14 Proposal review.
3201.15 Review criteria.

Authority: Section 2(h) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(h)).

Subpart A—General

§ 3201.1 Applicability of regulations.

(a) The regulations of this part apply to special research grants awarded under the provisions of Section (2)(c)(1) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)(1)), to facilitate or expand promising breakthroughs in areas of the food and agricultural sciences of importance to the nation. The Secretary of Agriculture, or his or her designee, shall determine and announce, through publication of a Notice in the **Federal Register** each year, research program areas for which proposals will be solicited to the extent that funds are available.

(b) The regulations of this part do not apply to research grants awarded by the Department of Agriculture under other authority.

§ 3201.2 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of Agriculture and any other officer or employee of the Department of Agriculture to whom the authority involved may be delegated.

(b) "Department" means the Department of Agriculture.

(c) "Principal investigator" means a single individual designated by the grantee in the grant application and approved by the Secretary who is responsible for the scientific and technical direction of the project.

(d) "Grantee" means the institution or organization designated in the grant award document as the responsible legal entity to whom a grant is awarded under this part.

(e) "Research project grant" means the award by the Secretary of funds to a grantee to assist in meeting the costs of conducting for the benefit of the public an identified project which is intended and designed to establish, discover, elucidate, or confirm information or the underlying mechanisms relating to a research program area identified in the annual solicitation of applications.

(f) "Project means the particular activity within the scope of one or more of the research program areas identified in the annual solicitation of applications, which is supported by a grant award under this part.

(g) "Project period" means the total length of time that is approved by the Secretary for conducting the research project as outlined in an approved grant application.

(h) "Budget period" means the interval of time (usually 12 months) into which the project period is divided for budgetary and reporting purposes.

(i) "Awarding official" means the Secretary and any other officer or employee of the Department to whom the authority to issue or modify research project grant instruments has been delegated.

(j) "Peer review group" means an assembled group of experts or consultants qualified by training and experience in particular scientific or technical fields to give expert advice, in accordance with the provisions of this part, on the scientific and technical merit of grant applications in those fields.

(k) "*Ad hoc* reviewers" means experts or consultants qualified by training and experience in particular scientific or technical fields to render special expert advice, whose written evaluations of grant applications are designed to complement the expertise of the peer review group, in accordance with the provisions of this part, on the scientific or technical merit of grant applications in those fields.

(l) "Research" means any systematic study directed toward new or fuller knowledge and understanding of the subject studied.

(m) "Methodology" means the project approach to be followed and the resources needed to carry out the project.

§ 3201.3 Eligibility requirements.

(a) Except where otherwise prohibited by law, any state agricultural experiment station, land-grant college or university, research foundation established by a land-grant college or university, and all other colleges or universities having a demonstrable capacity in research relating to the food and agricultural sciences, shall be eligible to apply for and receive a research project grant, provided that the applicant qualifies as a responsible grantee under the criteria set forth in paragraph (b) of this section.

(b) To qualify as responsible, an applicant must meet the following standards as they relate to a particular project:

(1) Have adequate financial resources for performance, the necessary experience, organizational and technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain such (including proposed subagreements);

(2) be able to comply with the proposed or required completion schedule for the project;

(3) have a satisfactory record of integrity, judgment, and performance, including in particular, any prior performance under grants and contracts from the Federal Government;

(4) have an adequate financial management system and audit procedure which provides efficient and effective accountability and control of all property, funds, and other assets; and

(5) be otherwise qualified and eligible to receive a research project grant under appliable laws and regulations.

(c) Any applicant who is determined to be not responsible will be notified in writing of such findings and the basis therefor.

§ 3201.4 How to apply for a grant.

(a) A request for proposals will be prepared and announced in the **Federal Register** as early as practicable each fiscal year. It will contain information sufficient to enable all eligible applicants to prepare special research grant proposals and will be as complete as possible with respect to:

(1) Descriptions of specific research program areas which the Department proposes to support during the fiscal year involved, including anticipated funds to be awarded;

(2) Deadline dates for proposal receipt;

(3) Name and address where proposals should be mailed;

(4) Number of copies to be submitted;

(5) Forms required to be used when submitting proposals; and

(6) Special requirements.

(b) *"Research Grant Application Kit."* A "Research Grant Application Kit" will be made available to any potential grant applicant who requests a copy. This kit provides required forms, certifications, instructions, and certain regulatory provisions applicable to the submission and administration of research project grants.

(c) *Format for research grant proposals.*

(1) *Grant Application (Form S&E–661).* All research project grant proposals submitted by eligible institutions should contain a Grant Application form, which must be signed by the proposing

principal investigator(s) and endorsed by the cognizant authorized organizational representative who possesses the necessary authority to commit the institution's time and other relevant resources.

(2) *Title of project.* The title of the project must be brief (80–character maximum), yet represent the major thrust of the research. This information will be used by the Department to provide information to the Congress and other interested parties; therefore, highly technical words or phraseology should be avoided. In addition, phrases such as "investigation of" or "research on" should not be used.

(3) *Objectives.* Clear, concise, complete, and logically arranged statement(s) of the specific aims of the research must be included in all proposals.

(4) *Procedures.* The procedures of methodology to be applied to the proposed research plan should be explicitly stated. This section should include but not necessarily be limited to:

(i) A description of the proposed investigations and/or experiments *in the sequence in which it is planned to carry them out;*

(ii) Techniques to be employed, including their feasibility;

(iii) Kinds of results expected;

(iv) Means by which data will be analyzed or interpreted;

(v) Pitfalls which might be encountered; and

(vi) Limitations to proposed procedures.

(5) *Justification.* This section should describe:

(i) The importance of the problem to the needs of the Department and to the nation, including estimates of the magnitude of the problem;

(ii) The importance of starting the work during the current fiscal year; and

(iii) Reasons for having the work performed by the proposing organization.

(6) *Literature review.* A summary of pertinent publications with emphasis on their relationship to the research should be provided and should include all important and recent publications from other institutions, as well as those from the proposing institution. The citations themselves should be accurate, complete, written in an acceptable journal format, and be appended to the proposal.

(7) *Current research.* The relevancy of the proposed research to ongoing and as yet unpublished research at both the proposing and other insitutions should be described.

(8) *Facilities and equipment.* All facilities, including laboratories, which are *available for use or assignment to the proposed research project during the requested period of support,* should be reported and described. Any materials, procedures, situations, or activities, whether or not directly related to a particular phase of the proposed research, and which may be hazardous to personnel, must be fully explained, along with an outline of precautions to be exercised. All items of major instrumentation *available for use or assignment to the proposed research project during the requested period of support* should be itemized. In addition, items of nonexpendable equipment needed to conduct and bring the proposed project to a successful conclusion should be listed.

(9) *Research timetable.* The applicant should outline all important research phases as a function of time, year by year.

(10) *Personnel support.* All personnel who will be involved in the research effort must be clearly identified. For each scientist involved, the following should be included:

(i) An estimate of the time commitments necessary; and

(ii) Vitae of the principal investigator, senior associates, and other professional personnel to assist reviewers in evaluating the competence and experience of the project staff. This section should include curricula vitae of *all* key persons who will work on the proposed research project, whether or not Federal funds are sought for their support. The vitae are to be no more than two pages each in length, excluding publications listings.

(iii) A chronological listing of the most representative publications during the past five years shall be provided for each professional project member for whom a curriculum vita appears under this section. Authors should be listed in the same order as they appear on each paper cited, along with the title and complete reference as these usually appear in journals.

(11) *Budget.* A detailed budget is required for *each year* of requested support. In addition, a summary budget is required detailing requested support for the overall project period. A copy of the form which must be used for this purpose, along with instructions for completion, is included in the "Research Grant Application Kit" identified under § 3201.4 (b) and may be reproduced as needed by proposers. Funds may be requested under any of the categories listed, provided that the item or service for which support is requested is allowable under applicable Federal cost principles and can be identified as necessary for successful conduct of the proposed research project. All research project grants awarded under this part shall be issued without regard to matching funds or cost sharing by recipients of such grants.

(12) *Research involving special considerations.* A number of situations encountered in the conduct of research require special information and supporting documentation before funding can be approved for the project. If such situations are anticipated, the proposal must so indicate. It is expected that a significant number of special research grant proposals will involve the following:

(i) *Recombinant DNA molecules.* All key personnel identified in a proposal and all endorsing officials of a proposed performing organization are required to comply with the guidelines established by the National Institutes of Health entitled, "Guidelines for Research Involving Recombinant DNA Molecules," as revised.

(ii) *Human subjects at risk.* Responsibility for safeguarding the rights and welfare of human subjects used in any reserach project supported with grant funds provided by the Department rests with the performing organization. Guidance is contained in Pub. L. 93–348, as implemented by the Department of Health and Human Services' policies under 45 CFR Part 46. In the event that a project involving human subjects at risk is recommended for award, the proposer will be required to submit a statement certifying that the research plan has been reviewed and approved by the Institutional Review Board at the proposing organization or institution. The "Research Grant Application Kit," identified above in § 3201.4(b), contains a form which is suitable for such certification.

(13) *Current and pending support.* All proposals must list any other *current* public or private research support, in addition to the proposed project, to which key personnel listed in the proposal under consideration have committed portions of their time, whether or not salary support for the person(s) involved is included in the budgets of the various projects. This section must also contain analogous information for all projects underway and for pending research proposals which are currently being considered by, or which will be submitted in the near future to, other possible sponsors, including other Departmental programs or agencies. Concurrent submission of identical or similar projects to other possible sponsors will not prejudice its review or evaluation by the Secretary or

experts or consultants engaged by the Secretary for this purpose.

(14) *Additions to project description.* Each project description is expected by the Secretary, members of peer review groups, and the relevant program staff to be complete in itself. However, in those instances in which the inclusion of additional information is necessary, the number of copies submitted should match the number of copies of the application requested in the annual solicitation of proposals as indicated in § 3201.4(a)(4). Each set of such materials must be identified with the title of the research project as it appears on the Grant Application (Form S&E–661) and the name(s) of the principal investigator(s). Examples of additional materials may include photographs which do not reproduce well, reprints, and other pertinent materials which are deemed to be unsuitable for inclusion in the proposal.

(15) *Organizational information.* Specific management information relating to the proposing institution or organization shall be submitted on a *one-time basis prior to the award of a* research project grant identified under this part. Copies of forms recommended for use in fulfilling the requirements contained in this section are available upon request from the agency in this part.

§ 3201.5 Evaluation and disposition of applications.

(a) *Evaluation.* All proposals received from eligible applicants in accordance with deadlines established in the applicable request for proposals shall be evaluated by the Secretary through such officers, employees, and others as the Secretary determines are uniquely qualified in the areas of research represented by particular projects. To assist in equitably and objectively evaluating proposals and to obtain the best possible balance of viewpoints, the Secretary shall solicit the advice of peer scientists, *ad hoc* reviewers, and/or others who are recognized specialists in the research program areas covered by the applications received and whose general roles are defined in § 3201.2(j) and § 3201.2(k). Specific evaluations will be based upon the criteria established in Subpart B, § 3210.15. The overriding purpose of such evaluations is to provide information upon which the Secretary can make informed judgments in selecting proposals or ultimate support. Incomplete, unclear, or poorly organized applications will work to the detriment of proposers during the evaluation process. To ensure a comprehensive evaluation, all applications should be written with the care and thoroughness accorded papers for publication.

(b) *Disposition.* On the basis of the Secretary's evaluation of an application in accordance with paragraph (a) of this section, the Secretary will (1) approve support using currently available funds, (2) defer support due to lack of funds or a need for further evaluations, or (3) disapprove support for the proposed project in whole or in part. With respect to approved projects, the Secretary will determine the project period (subject to extension as provided in § 3201.7(c)) during which the project may be supported. Any deferral or disapproval of an application will not preclude its reconsideration or a reapplication during subsequent fiscal years.

§ 3201.6 Grant awards.

(a) *General.* Within the limit of funds available for such purpose, the awarding official shall make research project grants to those responsible, eligible applicants whose proposals are judged most meritorious in the announced program areas under the evaluation criteria and procedures set forth in this part. The date specified by the Secretary as the beginning of the project period shall be no later than September 30 of the Federal fiscal year in which the project is approved for support and funds are appropriated for such purpose, unless otherwise permitted by law. All funds granted under this part shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, the applicable Federal cost principles, and the Department's Uniform Federal Assistance Regulations (Part 3015 of this title).

(b) *Grant award document and notice of grant award.* (1) *Grant award document.* The grant award document shall include at a minimum the following:

(i) Legal name and address of performing organization or institution to whom the Secretary has awarded a special research project grant under the terms of this part;

(ii) Title of project;

(iii) Name(s) and address(es) of principal investigator(s) chosen to direct and control approved activities;

(iv) Identifying grant number assigned by the Department;

(v) Project period, which specifies how long the Department intends to support the effort without requiring recompetition for funds;

(vi) Total amount of Departmental financial assistance approved by the Secretary during the project period;

(vii) Legal authority(ies) under which the research project grant is awarded to accomplish the purpose of the law;

(viii) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the research project grant award; and

(ix) Other information or provisions deemed necessary by the Department to carry out its granting activities or to accomplish the purpose of a particular research project grant.

(2) *Notice of grant award.* The notice of grant award, in the form of a letter, will be prepared and will provide pertinent instructions or information to the grantee which are not included in the grant award document.

(c) *Categories of grant instruments.* The major categories of grant instruments shall be as follows:

(1) *Standard grant.* This is a grant instrument by which the Department agrees to support a specified level of research effort for a predetermined project period without the announced intention of providing additional support at a future date. This type of research project grant is approved on the basis of peer review and recommendation and is funded for the entire project period at the time of award.

(2) *Renewal grant.* This is a document by which the Department agrees to provide additional funding under a standard grant as specified in paragraph (c)(1) of this section for a project period beyond that approved in an original or amended award, provided that the cumulative period does not exceed the statutory limitation. When a renewal application is submitted, it should include a summary of progress to date under the previous grant instrument. Such a renewal shall be based upon a new application, *de novo* peer review and staff evaluation, new recommendation and approval, and a new award instrument.

(3) *Continuation grant.* This is a grant instrument by which the Department agrees to support a specified level of effort for a predetermined period of time with a statement of intention to provide additional support at a future date provided that performance has been satisfactory, appropriations are available for this purpose, and continued support would be in the best interests of the Federal Government and the public. It involves a long-term research project that is considered by peer reviewers and Departmental officers to have an unusually high degree of scientific merit, the results of which are expected to have a significant impact on the food and agricultural sciences, and it supports the efforts of

experienced scientists with records of outstanding research accomplishments. This kind of document will normally be awarded for an initial one-year period and any subsequent continuation research project grants will also be awarded in one-year increments. The award of a continuation research project grant to fund an initial or succeeding budget period does not constitute an obligation to fund any subsequent budget period. A grantee must submit a separate application for continued support for each subsequent fiscal year. Requests for such continued support must be submitted in duplicate at least three months prior to the expiration date of the budget period currently being funded. Such requests must include: an interim progress report detailing all work performed to date; a Grant Application; a proposed budget for the ensuing period, including an estimate of funds anticipated to remain unobligated at the end of the current budget period; and current information regarding other extramural support for senior personnel. Decisions regarding continued support and the actual funding levels of such support in future years will usually be made administratively after consideration of such factors as the grantee's progress and management practices and within the context of available funds. Since initial peer previews were based upon the full term and scope of the original special research grant application, additional evaluations of this type are not generally required prior to successive years' support. However, in unusual cases (e.g., when the nature of the project or key personnel change or when the amount of future support requested substantially exceeds the grant application originally reviewed and approved), additional reviews may be required prior to approving continued funding.

(4) *Supplemental grant.* This is an instrument by which the Department agrees to provide small amounts of additional funding under a standard, renewal, or continuation grant as specified in paragraphs (c)(1), (c)(2), and (c)(3) of this section and may involve a short-term (usually six months or less) extension of the project period beyond that approved in an original or amended award. A supplement is awarded only if required to assure adequate completion of the original scope of work and if there is sufficient justification of need to warrant such action. A request of this nature does not normally require additional peer review.

(d) *Obligation of the Federal Government.* Neither the approval of any application nor the award of any research project grant shall legally commit or obligate the United States in any way to make any renewal, supplemental, continuation, or other award with respect to any approved application or portion of an approved application.

§ 3201.7 Use of funds; changes.

(a) *Delegation of fiscal responsibility.* The grantee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of grant funds.

(b) *Changes in project plans.*

(1) The permissible changes by the grantee, principal investigator(s), or other key project personnel in the approved research project grant shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the grantee and/or the principal investigator(s) are uncertain as to whether a change complies with this provision, the question must be referred to the Secretary for a final determination.

(2) Changes in approved goals, or objectives, shall be requested by the grantee and approved in writing by the Department *prior to effecting such changes.* In no event shall requests for such changes be approved which are outside the scope of the original approved project.

(3) Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the grantee and approved in writing by the Department *prior to effecting such changes.*

(4) Transfers of actual performance of the substantive programmatic work in whole or in part and provisions for payment of funds, whether or not Federal funds are involved, shall be requested by the grantee and approved in writing by the Department *prior to effecting such transfers.*

(c) *Changes in project period.* The project period determined pursuant to § 3201.5(b) may be extended by the Secretary without additional financial support, for such additional period(s) as the Secretary determines may be necessary to complete, or fulfill the purposes of, an approved project. Such extension, when combined with the originally approved or amended project period, shall not exceed five (5) years (the limitation established by statute), and shall be further conditioned upon prior request by the grantee and approval in writting by the Department.

(d) *Changes in approved budget.* Changes in an approved budget shall be requested by the grantee and approved in writing by the Department prior to instituting such changes if the revision will:

(1) Involve transfers of amounts budgeted for indirect costs to absorb increases in direct costs;

(2) Involve transfers of amounts budgeted for direct costs to accommodate changes in indirect cost rates negotiated during a budget period and not approved when a standard, renewal, continuation, or supplemental grant was awarded;

(3) Involve transfers of amounts previously budgeted for training allowances;

(4) Result in a need or claim for the award of additional funds; or

(5) Involve transfers or expenditures of amounts requiring prior approval as set forth in the applicable Federal cost principles, Departmental regulations, or in the standard, continuation, renewal, or supplemental award.

§ 3201.8 Other Federal statutes and regulations that apply.

Several other Federal statutes and/or regulations apply to research project grants considered for review or awarded under this part. These include but are not limited to:

7 CFR 1.1—USDA implementation of Freedom of Information Act

7 CFR Part 15, Subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964

7 CFR Part 3015—USDA Uniform Federal Assistance Regulations, implementing OMB directives (i.e., Circular Nos. A–102, A–110, A–87, A–21, and A–122) and incorporating provisions of 31 U.S.C. 6301–6308 (formerly, the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224), as well as general policy requirements applicable to recipients of Departmental financial assistance

29 U.S.C. 794, Section 504—Rehabilitation Act of 1973, and 7 CFR Part 15B (USDA implementation of statute), prohibiting discrimination based upon physical or mental handicap in Federally assisted programs

35 U.S.C. 200 *et seq.*—Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally Assisted programs (implementing regulations are contained in OMB Circular No. A–124)

§ 3201.9 Other conditions.

The Secretary may, with respect to any research project grant or to any of awards, impose additional conditions prior to or at the time of any award when, in the Secretary's judgment, such conditions are necessary to assure or protect advancement of the approved project, the interests of the public, or the conservation of grant funds.

Subpart B—Scientific peer review or research grant applications

§ 3201.10 Establishment and operation of peer view groups.

(a) To the extent applicable, the Federal Advisory Committee Act 5 U.S.C. App. I) and department implementing regulations (Part 25 of this title) will govern the establishment and operation of peer review groups.

(b) Subject to § 3201.5 and paragraph (a) of this section, the Secretary will adopt procedures for the conduct of peer reviews and the formulation of recommendations under § 3201.14.

§ 3201.11 Composition of peer review groups.

(a) Peer review group members will be selected based upon their training and experience in relevant scientific or technical fields, taking into account the following factors:

(1) The level of formal scientific or technical education by the individual;

(2) The extent to which the individual has engaged in relevant research, the capacities in which the individual has done so (e.g., principal investigator, assistant), and the quality of such research;

(3) Professional recognition as reflected by awards and other honors received from scientific and professional organizations outside of the Department;

(4) The need of the group to include within its membership experts from various areas of specialization within relevant scientific or technical fields;

(5) The need of the group to include within its membership experts from a variety of organizational types (e.g., universities, industry, private consultant(s)) and geographical locations; and

(6) The need of the group to maintain a balanced membership, e.g., minority and female representation and an equitable age distribution.

§ 3201.12 Conflicts of interest.

Members of peer review groups covered by this part are subject to relevant provisions contained in Title 18 of the United States Code relating to criminal activity, Departmental regulations governing employee responsibilities and conduct (Part 0 of this title) and Executive Order 11222, as amended.

§ 3201.13 Availability of information.

Information regarding the peer review process will be made available to the extent permitted under the Freedom of Information Act (5 U.S.C. 552), the Privacy Act (5 U.S.C. 552a), and implementing Departmental regulations (Part 1 of this title).

§ 3201.14 Proposal review.

(a) All research project grant applications will be acknowledge. Prior to technical examination, a preliminary review will be made for responsiveness to the request for proposals (e.g., relationship of application to research program area). Proposals which do not fall within the guidelines as stated in the annual request for proposals will be eliminated from competition and will be returned to the proposing organization or institution. Proposals whose budgets exceed the maximum allowable amount for a particular program area as announced in the request for proposals will be considered as lying outside the guidelines.

(b) All applications will be carefully reviewed by the Secretary, qualified officers or employees of the Department, the respective peer review group, and *ad hoc* reviewers, as required. Written comments will be solicited from *ad hoc* reviewers when required, and individual written comments and in-depth discussions will be provided by peer review group members prior to recommending applications for funding. Applications will be ranked and support levels recommended within the limitation of total available funding for each research program area as announced in the applicable request for proposals.

(c) No awarding official will make a research project grant based upon an application covered by this part unless the application has been reviewed by a peer review group and/or *ad hoc* reviewers in accordance with the provisions of this part and said reviewers have made recommendations concerning the scientific merit of such application.

(d) Except to the extent otherwise provided by law, such recommendations are advisory only and are not binding on program officers or on the awarding official.

§ 3201.15 Review criteria.

(a) In carrying out its review under § 3201.14, the peer review group will use the following form upon which the evaluation criteria to be used are enumerated:

Peer Panel Scoring Form

Proposal Identification No. _____
Institution and Project Title _____

I. Basic Requirement:

Proposal falls within guidelines? ____ Yes ____ No. If no, explain why proposal does not meet guidelines under comment section of this form.

II. Selection Criteria:

	Score 1–10	Weight factor	Score x weight factor	Comments
1. Scientific and technical quality of the idea		8		
2. Scientific and technological quality of the approach		8		
3. Relevance and importance of proposed research to solution of specific area of inquiry		6		
4. Feasibility of attaining objectives during life of proposed research		5		
5. Adequacy of professional training or research experience of research team in essential disciplines needed to conduct proposed research		5		
6. Adequacy of facilities, equipment, and professional and technical staffing		5		

Score _____
Summary Comments _____

(b) Proposals satisfactorily meeting the guidelines will be evaluated and scored by the peer panel for each criterion utilizing a scale of 1 through 10. A score of one (1) will be considered low and a score of ten (10) will be considered high for each selection criterion. A weighted factor is used for each criterion.

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

Orville G. Bentley,

Assistant Secretary for Science and Education.

[FR Doc. 84-14369 Filed 5-29-84; 8:45 am]

BILLING CODE 3410-MT-M

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. 83-108]

Viruses, Serums, Toxins, and Analogous Products; Standard Requirements for Feline Calicivirus Vaccine, Feline Rhinotracheitis Vaccine, Bursal Disease Vaccine, Pseudorabies Vaccines, Parvovirus Vaccines, Canine Parainfluenza Vaccine, and Tenosynovitis Vaccine

Correction

In FR Doc. 84-13489 beginning on page 21339 in the isue of Monday, May 21, 1984, make the following corrections:

§ 113.167 [Corrected]

1. On page 21344, third column, § 113.167(b), line one, "lot" should appear between "Each" and "of".

2. On page 21345, second column, § 113.167(d)(1), line four, "§ 113.6" should read "§ 113.36".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket Nos. RM79-76-228 (Wyoming-14) and RM79-76-229 (Wyoming-15)

High-Cost Gas Produced From Tight-Formations; Petition To Reopen Final Tight Formation Designation

May 21, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Petition to Reopen Final Tight Formation Designation.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (1982), to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1983)). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. On October 7, 1983, the Commission issued Order No. 338, which adopted the recommendation of the Bureau of Land Management (BLM) that the Frontier and the Muddy, Dakota and Lakota Formations be designated as tight formations under § 271.703 of the Commission's regulations. The Commission herein issues notice of the petition of Montana-Dakota Utilities Company to reopen Order No. 338 and to remand these proceedings to BLM for reconsideration.

DATES: Comments are due fifteen days after publication of this notice in the **Federal Register**. Requests for a public hearing are due on or before June 5, 1984.

ADDRESS: Comments and requests for hearing must be filed with the office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Tom Rattray, (202) 357-5447, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION: On March 27, 1984, Montana-Dakota Utilities Company (MDU) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen the Commission's Order No. 338.[1] In Order No. 338, the Commission adopted the recommendation of the Bureau of Land Management (BLM) that the Frontier and the Muddy, Dakota and Lakota Formations, located in Fremont County, Wyoming, be designated as tight formations under § 271.703 of the Commission's regulations.[2]

In its Petition, MDU argues that the applicant before BLM, ARCO Oil and Gas Company (ARCO), should have submitted certain additional data in order to supply substantial evidence to support the recommendations by BLM. MDU contends that the Commission should reopen Order No. 338 and remand these proceedings to BLM and should require ARCO to submit: (1) All actual core analyses for each core plus a description of each cored interval and the actual laboratory permeability for each foot of each core interval analyzed; and (2) all pressure build-up analysis data available to ARCO; and (3) all drill-stem test and flow rate data available to ARCO.

MDU states that the Commission in Order No. 338 relied on core analysis data submitted by ARCO in finding that average permeability values for the subject formations met the guidelines set in § 271.703(c)(2)(i)(A) of the Commission's regulations. MDU contends, however, that the data supplied by ARCO was merely a summary of the actual core analyses, containing none of the actual core analysis data or supporting documents. Thus, MDU argues that the Commission's reliance on core analysis data over MDU's pressure build-up data is not supported by substantial evidence.

MDU also argues that the Commission could not have determined from ARCO's data that arithmetic averages would satisfy the Commission's average permeability guidelines, because the ARCO data was a geometric average of the actual core analysis data. According to MDU, only by arithmetically averaging the actual core analysis data for each foot of each core, and then arithmetically averaging these figures for each proposed formation, can an accurate arithmetic average permeability figure be reached.

Next, MDU contends that additional pre-stimulation flow rate data was available to ARCO but was not sumitted to BLM. MDU included with its petition several drill-stem test reports which appeared to contradict data submitted by ARCO. MDU states that the additional flow rate data should be submitted to verify the discrepancies.

MDU concludes by stating that sumission of the above-mentioned data is necessary in order for the Commission to support its order in this docket by substantial evidence. Thus, MDU requests that the Commission reopen and remand these proceedings to BLM for reconsideration with the requested additional evidence. In the alternative, MDU asks that the Commission treat the petition as a request for discovery of the information from ARCO.

Any person desiring to be heard or to make any protest to the requested reopening should file, within 15 days after this notice is published in the **Federal Register** with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Commission's

[1] *See* Docket Nos. RM79-76-151 (Wyoming-14) and RM79-76-152 (Wyoming-15), 25 FERC ¶ 61,047, FERC Stats. and Regs. ¶ 30,505 (1983). On November 7, 1983, MDU filed with the Commission an Application for Rehearing of Order No. 338. The Commission granted rehearing for purposes of further consideration on December 2, 1983. A decision on MDU's Application for Rehearing is still pending at this time. The present Petition for Reopening is subdocketed separately from MDU's Application for Rehearing.

[2] 18 CFR 271.703 (1983).

Rules of Practice and Procedure.[3] All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. Any party wishing a public hearing on this petition should request one no later than June 5, 1984.

List of Subjects in 18 CFR Part 271

Natural-gas, Incentive Price, Tight Formations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14249 Filed 5-29-84; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 705

Restriction on Financial Interests of State Employees

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Reopening and extension of public comment period.

SUMMARY: On July 12, 1979, OSM granted, in part a petition to initiate rulemaking to amend the definition of the word "employee" in 30 CFR 705.5, the definitions Section of OSM's conflict-of-interest regulations. A notice of proposed rulemaking to amend the definition of employee in 30 CFR 705.5 was published on September 6, 1979. (44 FR 52098). The proposed rule included new language for the amended definition in two alternatives and sought public comment on the proposed amendment. The public comment period closed on November 5, 1979. Since that time, the Secretary of the Interior has approved 25 programs submitted by States to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands under Section 503 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). State programs were approved by the Secretary of the Interior for these 25 States during the period, February 27, 1980 to March 23, 1983. State programs have been operational for periods ranging from 1 to 3 years. OSM seeks additional public comment on the proposed definition of employee based on the operational characteristics or problems identified in the approved programs which utilize the current definition of employee.

DATES: Written comments not received on or before 5:00 p.m., July 31, 1984 will not necessarily be considered. Public hearings: Held on request only on July 19, 1984 in Washington, D.C., and on July 17, 1984 in Denver, Colorado at 9:00 a.m., [local]. Public meetings: Scheduled on request only.

ADDRESSES: Written comments: Hand-deliver to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record, Room 5124, 1100 L Street, NW., Washington, D.C., or mail to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record, Room 5124L, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Public hearings: Washington, D.C.—Department of the Interior Auditorium, 18th and C Streets, NW., and Denver, Colorado—Brooks Tower, 2nd Floor Conference Room, 1020 15th Street. Public meetings: OSM office in Washington, D.C.

Copies of the original petition, proposed rule and all written comments received are available for public inspection and copying during regular business hours at the Office of Surface Mining, U.S. Department of the Interior, Administrative Record, Room 5124, 1100 L Street, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Ann L. Chapman, Office of Surface Mining, Division of Personnel, Room 5415L, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Telephone: (202) 343-4665.

SUPPLEMENTARY INFORMATION:

I. Public Commenting Procedures.
II. Background
III. Discussion of Proposed Rules
IV. Additional Information Requested

I. Public Commenting Procedures

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Commenters are requested to submit five copies of their comments (see **"ADDRESSES"**). Comments received after the time indicated under **"DATES"** or at locations other than the addresses listed above under **"ADDRESSES"**, will not necessarily be considered or be included in the Administrative Record for the final rulemaking.

Public Hearings.

Persons wishing to testify at the public hearings should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the close of business at least three working days before the date of the hearing. If no one asks to testify at a public hearing at a particular location by that date, the hearing may not be held.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will also allow OSM officials to prepare appropriate questions.

Public hearings will continue on the specified date until all persons scheduled to speak have been heard. The hearings will end after all persons scheduled to speak and all persons in the audiences wishing to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are in the audience at the time all scheduled speakers have been heard.

Public Meetings

Persons wishing to meet the OSM representatives to discuss these proposed rules may request a meeting at the OSM office in Washington, D.C. listed in **"ADDRESSES"** by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."**

All such meetings are open to the public and, if possible, notices of meeting will be posted in advance in their Administrative Record room (1100 L Street). A written summary of each public meeting will be made a part of the Administrative Record.

II. Background

On August 23, 1977, the Department issued proposed regulations to implement the two conflict-of-interest provisions of the Act prescribing financial interest restrictions: section 201(f) concerning Federal employees and section 517(g) concerning State regulatory authority employees. Sections 201(f) and 517(g) of the Act make it a crime for Federal or State employees performing any function or duty under the Act knowingly to have a direct or indirect financial interest in any coal mining operation. The Act further directs the Secretary to publish regulations which establish methods for monitoring and enforcing the conflict of interest provisions. After publication of proposed rules and a comment period, the final financial interest restriction regulations were published on October 20, 1977. (42 FR 56060).

The Secretary's final regulations implementing the above provisions are

[3] 18 CFR 385.214 or .211 (1983).

based on two guiding principles. First, these regulations reiterate the "clear Congressional intent that affected employees maintain the highest standards of honesty, integrity and impartiality to avoid even the appearance of conflict of interest." (42 FR 56060, October 20, 1977). Second, in keeping with the legislative intent and at the suggestion of several States, the regulations place primary responsibility upon the States to resolve internal financial restriction problems of State employees.

On December 15, 1978, five environmental organizations—the National Wildlife Federation, Save Our Mountains, Inc., Colorado Open Space Council, Save Our Cumberland Mountains, and Council of Southern Mountains—jointly petitioned the Office of Surface Mining to amend two definitions contained in 30 CFR 705.5 concerning financial interest restrictions. That petition was previously published for public comment. (44 FR 11795, March 2, 1979).

Petitioners proposed the following changes to the current definitions:

1. Amend the definition of "employee" to eliminate the exception created there for "members of advisory boards or commissions established in accordance with State law or regulations to represent multiple interests * * *"

2. Change the definition of "indirect financial interest" to read:

(a) Ownership or part-ownership of, or employment by, a firm or business that is a subsidiary or affiliate of a coal mining operation or which controls, is controlled by, or is under common control with, a coal mining operation;

(b) Ownership or part-ownership of, or employment by, a firm or business that derives a significant portion of its income (more than 10%) from contracts with firms or businesses involved in coal mining operations;

(c) Benefits reaped by the employee of the direct or indirect interests (as described in (a) and (b) above or as described for direct financial interests) held by the employee's spouse, minor child, or other relatives, including in-laws residing in the employee's home; and

(d) For purpose of this section, ownership of shares in a mutual fund or other similar diversified investment funds that have interest in coal or coal-related firms does not constitute a prohibited indirect interest.

The proposed change to the definition of "indirect financial interest" was rejected by OSM on July 12, 1979, in a letter to Mr. Terrence Thatcher of the National Wildlife Federation.

Under the current definition of "employee", members of State advisory boards or commissions performing a function under the Surface Mining Act are exempt from filing the financial interest statements if the board or commission is required by State regulation or statute to represent multiple interests. The petitioners maintained that this exemption is contrary to the intent of Congress as expressed in section 517(g) of SMCRA, and they asked OSM to delete this exemption.

To the petitioners, the mandate of section 517(g) is unequivocal. In their view, State boards or commissions exercising decisionmaking functions under SMCRA should be conclusively deemed employees irrespective of the rationale underlying their formation. The petitioners asserted that SMCRA was clearly intended "to guard against any possibility that regulatory decisions would be made by individuals attached to the coal mining industry or who might benefit financially, even if indirectly, from the coal mining operation". While there is no specific discussion of this matter in the legislative history, petitioners draw support for their arguments for the fact that in a 1975 draft of the surface mining bill, Congess considered allowing employees to hold up to 100 shares of commonly traded coal company stock without violating the conflict of interest provisions. (121 Cong. Rec. 6786, March 17, 1975). The exception, however, was subsequently eliminated. (121 Cong. Rec. 13368). Petitioners believe that since Congress refused to grant exceptions to the financial restriction provisions, OSM has no authority to do so by regulations.

The petitioners stated that although OSM recognized that "the existence of employee/employer, ownership and creditor relationships that conflict with official duties is the type of situation that section 517(g) intended to prevent," OSM included the exception in the definition of employee to "avoid dismembering boards or commissions composed in such a manner as to represent divergent interests." 42 FR 5606.

The petitioners' proposal focuses on the statutory phrase "performing any function or duty under this Act." This phrase not only helps delineate which "employees" should be covered, but also establishes and focuses upon the critical area of concern to the Congress. The fundamental change which Congress intended to accomplish through section 517(g) was to ensure that functions or duties which affect the administration and integrity of a State's program to regulate surface mining would not be performed by persons with direct or indirect financial interest in the coal industry. As shown by the petitioners, several State boards or commissions, members of which are excepted under the regulation, exercise more than purely advisory functions. Because the decisions of these Boards directly affect the functioning and the integrity of the State regulatory program, the petitioners believe that they should not be exempted from the financial interest restrictions.

On July 12, 1979, OSM granted in part the petition to amend the definition of employee contained in 30 CFR 705.5. A notice of proposed rulemaking was published on September 6, 1979. (44 FR 52098–52101). The September 6, 1979 notice contains a summary of the written comments received on the petition during the comment period which closed on April 2, 1979.

III. Discussion of Proposed Rules

The definition of employee proposed by OSM on September 6, 1979, would allow persons with industry or other financially restricted interests to be board members, but not to exceed a majority of the voting members. All board members would file conflict of interest statements to ensure that the majority of the board had no conflict-of-interest, either direct or indirect. Under this approach, the board would be considered as a unit. Boards or commissions already established by State statute would not be dismembered, input would be received from all the multiple interests represented, and no one faction could dominate the voting or decisionmaking.

The definition of employee would be amended as follows to implement this change:

Employee—Means (i) any person employed by the State regulatory authority who performs any function or duty under the Act and (ii) advisory board or commission members and consultants who perform any function or duty under the Act, if they perform decisionmaking functions for the State regulatory authority under the authority of State law or regulations. Members of advisory boards or commissions established in accordance with State law or regulations to represent multiple interests must file annual financial interest statements but may continue to participate in the activities of the board or commission as long as the number of members with prohibited financial interests does not exceed 50 percent of the total membership and such members do not act on any matter which relates to their own financial interests. State

officials may through State law or regulations expand this definition to meet their program needs for more stringent financial interest restrictions.

OSM sought public comments on two additional alternatives to the definition recommended in the proposed rulemaking. The second alternative would delete the board exemption in its entirety. The exemption would be eliminated by deleting the second sentence of the current definition resulting in the following language:

Employee—Means (i) any person employed by the State regulatory authority who performs any function or duty under the Act, and (ii) advisory board or commission members and consultants who perform any function or duty under the Act, if they perform decisionmaking functions for the State Regulatory Authority under the authority of State law or regulations. State officials may through State law or regulations expand this definition to meet their program needs.

The final alternative would be to take no action and leave the definition as it presently reads.

Additional discussion of the rulemaking proposal can be found in the September 6, 1979 notice. (44 FR 52098–52101).

IV. Additional Information Requested

OSM is reopening and extending the public comment period on the proposed rulemaking to allow the submission of comments and information relative to the proposed rulemaking of events and actions that have occurred subsequent to the date of the proposed rulemaking.

Since September 6, 1979, twenty-five programs were submitted by States to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands under section 503 of SMCRA. State programs were approved by the Secretary of the Interior for the following States during the period February 27, 1980 to March 23, 1983:

State	Date secretarial Decision published
Alabama	05/20/82
Alaska	03/23/83
Arkansas	11/21/80
Colorado	12/15/80
Illinois	06/01/82
Indiana	07/26/82
Iowa	01/21/81
Kansas	01/21/81
Kentucky	01/18/82
Louisiana	10/10/80
Maryland	12/01/80
Mississippi	09/04/80
Missouri	11/21/80
Montana	04/01/80
New Mexico	12/31/80
North Dakota	12/15/80
Ohio	08/10/82
Oklahoma	01/19/81
Pennsylvania	07/30/82
Tennessee	08/10/82
Texas	02/27/80
Utah	01/21/81
Virginia	12/15/81
West Virginia	01/21/81
Wyoming	11/26/80

State programs have been operational in these States for periods ranging from 1 to 4 years. Provisions contained in each of these programs were found to be no less effective than the operative provisions contained in the Federal definition of "employee" at 30 CFR 705.5. Sufficient time has elapsed since the approval of State programs to assess the effectiveness of the current definition in meeting the intent of section 517(g) of SMCRA.

During the reopened public comment period, OSM specifically requests information about States which currently have multiple-interest commissions or boards. Of particular interest are the nature of commissions' or boards' functions, such as hearings, rulemakings, administrative appeals, permit reviews, and enforcement actions. The history of a board's decisions is also important. A pattern of decisions in favor of State regulatory authorities, industry or citizen groups could be indicative of conflicts of interest. Commenters should also provide information concerning the mechanism for appeal and review of board or commission decisions, and any historical patterns to these appeals. It should be noted whether or not the membership of these boards has historically favored any special interest group. Further, commenters should indicate whether or not boards or commissions are currently subject to State conflict of interest laws and, if so, whether coal related interests are prohibited and what disclosure of financial interests is already required.

In addition, OSM requests comments on the proposed revisions and alternative definitions for employee presented under "III. *Discussion of Proposed Rules*", of this notice. In this regard specific wording changes or alternative language would be most helpful in developing a final rule.

In connection with the proposed definition, OSM solicits comments on a modification which would not only prohibit action by board members on matters related to their own financial interests, but would also prohibit participation by board members in proceedings when their financial interests could reasonably cause interested persons to question the impartiality of the proceedings. Comments may properly address the issue of whether impartiality would be assured or best served when boards do not contain a majority of members with similar financial or other interests. OSM is interested in receiving specific information as to (1) whether the adoption of the proposal or any suggested modification would have the effect of dismembering a substantial number of existing boards; (2) what the efffects would be: and (3) whether such results would be justified.

Comments submitted during the comment period established in the September 6, 1979 notice of proposed rulemaking will be considered along with those received during the reopened comment period in developing a final rule.

(Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*)

Dated: May 22, 1984.

Carson W. Culp,

Director, Office of Surface Mining.

[FR Doc. 84–14385 Filed 5–29–84; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 3E2967/P345; PH–FRL 2593–2]

Hexakis[2-Methyl-2-Phenylpropyl] Distannoxane, Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the insecticide hexakis[2-methyl-2-phenylpropyl]distannoxane and its organotin methabolites calculated as hexakis[2-methyl-2-phenylpropyl] distannoxane in or on the raw agricultural commodity eggplant. The proposed regulations to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments, identified by the document control number [PP 3E2967/P345], must be received on or before June 29, 1984.

ADDRESS: Written comments by mail to: Information Services Section, Program Management and Support Division

(TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

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

Information submitted as a comment concerning this notice may be claimed confidential by marking any part of 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, except legal holidays.

FOR FURTHER INFORMATION CONTACT:
By mail:

Donald Stubbs, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460

Office location and telephone number: Rm. 716D, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 3E2967 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project and the Agricultural Experiment Stations of Florida and New York.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide hexakis[2-methyl-2-phenylpropyl]distannoxane and its organotin metabolites calculated as hexakis[2-methyl-2-pyenylpropyl]distannoxane in or on the raw agricultural commodity eggplant at 6.0 parts per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include a 2-year dog feeding study with a no-observed-effect level (NOEL) of 5 mg/kg; a 2-year rat feeding/oncogenicity study with a NOEL of 5 mg/kg for non-oncogenic effects and negative for oncogenic effects at all levels tested (50, 100, 300, and 600 ppm, equivalent to 2.5, 5, 15, and 30 mg/kg of body weight (bw) respectively); an 18 month mouse oncogenicity study which was negative for oncogenic effects at all levels tested (50, 100, 300, and 600 ppm, equivalent to 7.5, 15, 45, and 90 mg/kg of bw, respectively); a multigeneration reproduction study in the rat with a NOEL of 100 ppm (equivalent to 5 mg/kg bw); mutagenicity assays which were negative for mutagenic effects; and rat and rabbit teratology studies which were negative for teratogenic effects at the highest doses tested (60 and 5 mg/kg, respectively).

The acceptable daily intake (ADI), based on the 2-year rat feeding study (NOEL of 5.0 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.05 mg/kg of body weight/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 3.0 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 2.1402 mg/day; the current action will increase the TMRC by 0.0027 mg/day (0.1 percent). Published tolerances utilize 71.34 percent of the ADI; the current action will utilize an additional 0.09 percent.

The nature of the residues is adequately understood and an adequate analytical method, gas-liquid chromatography using an electron capture detector, is available for enforcement purposes. Since no significant feed items are involved, there should be no resulting secondary residues in meat, milk, poultry, and eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.362 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registeration 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 notice 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 3E2967/P345]. All written comments filed in response to this petition will be available in the Information Services Section, 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(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: May 17, 1984.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.362 be amended by adding, and alphabetically inserting, the raw agricultural commodity eggplant to read as follows:

§ 180.362 Hexakis [2-methyl-2-phenylpropyl] distannoxane; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * *	
Eggplant	6.0
* * * *	

[FR Doc. 84–13952 Filed 5–29–84; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

41 CFR Part 50-201

General Regulations Under the Walsh-Healey Public Contracts Act

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Proposed rule.

SUMMARY: Pursuant to section 4 of the Walsh-Healey Public Contracts Act, the Department of Labor proposes to amend Regulations, 41 CFR 50-201.101, to provide an alternative definition for a regular dealer in specialty advertising products.

DATE: Comments must be received on or before June 29, 1984.

ADDRESS: Comments should be sent to the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone: 202-523-8305.

SUPPLEMENTARY INFORMATION: Section 1(a) of the Walsh-Healey Public Contracts Act provides that contracts subject to the Act may only be awarded to a manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactured or supplied under the contract. A regular dealer is defined in 41 CFR 50-201.101(a)(2) as "a person who owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business." Furthermore, 41 CFR 50-206.53(b)(2) provides, in part, that the stock maintained by a regular dealer must be a "true inventory from which sales are made."

The General Services Administration (GSA) has requested that a special definition for regular dealers in specialty advertising products be provided in the regulations in recognition of existing commercial practices in that industry. In this regard, GSA has submitted information which indicates that the general definition of regular dealer is not appropriate for a regular dealer in specialty advertising products and that failure to provide such a special definition will seriously impair GSA's ability to procure specialty advertising products.

Specialty advertising is an advertising or promotional medium that utilizes products which are custom-imprinted, designed or manufactured with a logo of the name and address of the buyer or an advertising or promotional message, e.g., T-shirts, ball point pens, key tags, and calendars imprinted with advertising or promotional material.

The Office of Federal Supply and Services, GSA, contracts for specialty advertising products under two Federal Supply Schedules: FSC 99, Part V, section A, Recruiting Aid Promotional Material, and FSC 84, Part V, section A, Athletic and Recreational Clothing and Footware. Estimated annual sales are $5 million and $5.5 million, respectively.

In addition, information provided by the Specialty Advertising Association International (SAAI), which has also requested a special definition, notes that there are two types of firms in the industry: manufacturers (called suppliers) which produce and imprint the products, and distributors who advise customers on specialty advertising programs and actually sell the products to the customer. According to the SAAI, although there are approximately 1000 companies that are primary suppliers to the industry, few maintain their own sales force and virtually all suppliers sell through distributors. Therefore, a customer who wants to buy advertising specialties will generally contact a distributor. This is confirmed by GSA's experience.

The Federal Supply Service, GSA, has also found that the stock maintained by most specialty advertising distributors is minimal and generally would not constitute a true inventory from which sales are made. Because the products offered for sale are normally custom-tailored to satisfy the needs of the purchaser, the normal method of business in this industry would be for the distributor to order the product from the manufacturer who then would drop-ship the imprinted product directly to the purchaser. Government purchases of specialty advertising products constitute only a small portion of the industry's total sales, and GSA states that continued application of this regular dealer eligibility requirement will severely impair that agency's ability to produce specialty advertising products.

Given these circumstances, the Department of Labor, pursuant to section 4 of the Walsh-Healey Public Contracts Act, proposes to amend 41 CFR 50-201.101 to provide an alternative definition for a regular dealer in specialty advertising products.

Classification

This rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations because it is not likely to result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

The rule will have no "significant economic impact on a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. 96-354, 91 Stat. 1164 (5 U.S.C. 605(b)).

The Secretary of Labor has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because the number of affected business entities is not substantial. Accordingly, no regulatory flexibility analysis is required. However, the proposed definition would relieve potential contractors in the specialty advertising products industry from having to maintain stock in a manner inconsistent with the practice in that industry, would alleviate potential Federal procurement problems, and would encourage more competition in that process.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the reporting or recordkeeping provisions that are included in or applicable to this regulation will be submitted for approval to the Office of Management and Budget.

List of Subjects in 41 CFR Part 50-201

Administrative practice and procedure, Child labor, Government contracts, Government procurement, Minimum wages, Penalties, Recordkeeping requirements, reporting requirements, Wages.

Signed at Washington, D.C. on this 23rd day of May 1984.

William M. Otter,

Administrator, Wage and Hour Division.

PART 50-201—GENERAL REGULATIONS

In accordance with the foregoing, it is proposed that 41 CFR 50-201.101 be amended by adding a new paragraph (a)(2)(xi) to § 50-201.101 as set forth below.

§ 50-201.101 Manufacturer or regular dealer.

(a) Definitions. * * *

(2) * * *

(xi) A regular dealer in specialty advertising products may be a person who owns, operates, or maintains a store, warehouse, or other place of business in which such person maintains samples of the products sold, whose principal business is contracting to sell products that are custom-imprinted to meet the buyer's specific advertising or promotional requirements, who after the sale orders the products from the manufacturer for direct shipment to the buyer, and who sells substantial quantities of such products to the public regularly and in the usual course of business. *Provided,* that on all orders for the United States Government the dealer agrees to insert a notice to the manufacturer to the effect that the products are purchased for the United States Government and that the manufacturer is within the terms of 41 CFR 50-201.104 requiring compliance with the labor standards provisions of the Public Contracts Act.

* * * * *

Authority: Sec. 4, 49 Stat. 2038; 41 U.S.C. 38.

[FR Doc. 84-14439 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-27-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

Cancel Standard Form 1172, Certificate in Lieu of Lost U.S. Government Transportation Request

AGENCY: Office of the Comptroller, GSA.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend the Federal Property Management Regulations (FPMR) by cancelling Standard Form (SF) 1172, Certificate in Lieu of Lost U.S Government Transportation Request, and removing the reference and illustration. Revised procedures for billing and obtaining payment when a carrier furnishing service to the U.S. Government loses or misplaces a Government Transportation Request (GTR) are substituted. The Government Printing Office (GPO) has discontinued the sale of SF 1172 because of limited use. GPO's discontinuance of the printing and stocking of the form requires GSA to implement alternative procedures. In addition, cancelling this form will eliminate the need for the Government to print and stock the SF 1172 for sale to the carrier industry.

New procedures prescribe that the carrier will certify on the face of the SF 1113, Public Voucher for Transportation Charges, billing document and attach copies of the pertinent ticket coupon(s) with the GTR number visible on the face of the coupon. Elimination of the SF 1172 will remove the requirement for industry to either purchase from the Government or locally reproduce and stock this form, thereby effecting an economy measure for the carrier industry.

DATE: Written comments must be received by no later than 4 p.m. June 29, 1984.

ADDRESS: Comments should be sent to General Services Administration (BWCP), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures, and Claims Branch, Office of Transportation Audits (202-786-3014).

SUPPLEMENTARY INFORMATION: The GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential cost and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-41

Air carriers, Accounting, Claims, Government property management, Maritime carriers, Passenger services, Railroads, Transportation.

In accordance with the foregoing, it is proposed that Title 41, Part 101-41 of the Code of Federal Regulations be amended as follows:

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The authority citation for 41 CFR Part 101-41 is:

Authority: 31 U.S.C. 3726, and 40 U.S.C. 486(c)

2. The table of contents for Part 101-41 is amended by removing or reserving the following entries:

Sec.

101-41.202-4 [Reserved]

101-41.4901-1172 [Removed]

Subpart 101-41.2—Passenger Transportation Services Furnished for the Account of the United States

§ 101-41.202-4 [Reserved]

3. Section 101-41.202-4 is reserved.

4. In § 101-41.202-5, paragraph (b) is revised to read as follows:

§ 101-41.202-5 Procurement of standard forms by agencies and carriers.

* * * * *

(b) Carriers may purchase SF 1113 and SF 1113-A from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or have them printed commercially. When printing these forms commercially, carriers shall ensure that the forms conform to the extact size, wording, and arrangement of the approved standard forms and, while no minimum grade of paper is set, carriers shall provide a reasonable grade of paper stock. Carriers may have SF 1113 and SF 1113-A printed also in continuous-feed format for machine billing by adding pin-feed strips on the margins. The tear-off slip may be moved from the bottom to the right edge of SF 1113, to aid in machine use of the form, but it must be perforated on all edges to measure 8½ by 3$^{3}/_{16}$ inches when detached from the body of the SF 1113 and from the pin-feed strips. The forms must conform in all other respects to the exact size, wording, color, and arrangement of the approved standard forms. Any deviations must be approved in writing by the Director, Office of Transportation Audits (BW), GSA.

* * * * *

5. In § 101-41.211-3, paragraphs (a) and (b) are revised to read as follows:

§ 101-41.211-3 Billing charges for GTR's lost by carrier.

(a) When a carrier has lost or misplaced a GTR, it shall bill the charges for the services furnished on an SF 1113, Public Voucher for Transportation Charges, annotated with the following signed certification: "I certify that all U.S. Government

Transportation Requests (GTR's) honored by the above-named carrier or travel agent pass into my office; that ticket(s) (form and ticket number(s)), value of ticket(s), accommodations (number and type), points of travel (from and to) annotated below was (were) furnished in exchange for the specified GTR; that the stated value(s) is (are) true and correct; that the said GTR has been lost or misplaced and cannot be located; that the honoring carrier has not received payment for services rendered thereunder; and that, if the said GTR is later found, it will be marked 'Canceled—Certification in Lieu Issued' and transmitted to the General Services Administration (BWAA/C), Washington, DC 20405, and no claim made thereon." Copy/copies of ticket coupons, with the GTR number visible, will be attached in support of the SF 1113. A statement of any other pertinent facts and circumstances should be included. Charges for lost or misplaced GTR's shall be billed separately from charges applicable to other GTR's. (See § 101–41.214 for billing of transportation charges.)

(b) Disbursing officers shall certify on the SF 1113 that the services specified thereon have been furnished, that payment has not been made to any claimant, and that the record has been annotated to prevent duplicate payment. The carrier may transmit its bill (SF 1113 with certification) to the General Services Administration (BWCA), Washington, DC 20405, if the paying agency is unknown.

6. Section 101–41.211–4 is revised to read as follows:

§ 101–41.211–4 Disposition of GTR's previously certified lost by carrier.

An original GTR that is located after payment has been made under § 101–41.211–3 shall be forwarded promptly to the General Services Administration (BWAA/C), Washington, DC 20405, together with a reference to the carrier's bill on which charges for the lost GTR were paid.

7. In § 101–41.211–5, paragraph (a) is revised to read as follows:

§ 101–41.211–5 Billing charges for air excess baggage coupons lost by carrier.

(a) When a carrier has lost or misplaced its flight coupon copy of the GEBAT covering the air carriage of excess baggage, it shall bill the charges on an SF 1113 annotated with the following signed certification: "I certify that all GEBATS honored by the above-named carrier or travel agent pass into my office; that the authorizing GTR(s) (number(s)) applicable passenger ticket(s) (number(s)), name of traveler(s), weight or number of pieces of excess baggage authorized and carried, points between which service was authorized and rendered, and all other information pertinent to the transaction annotated below was (were) furnished in exchange for the specific GEBAT: that the stated value(s) is (are) true and correct; that the said GEBAT has been lost or misplaced and cannot be located; that the honoring carrier has not received payment for services rendered thereunder; and that, if the said GEBAT is later found, it will be marked 'Canceled—Certification in Lieu Issued' and transmitted to the General Services Administration (BWAA/C), Washington, DC 20405, and no claim made thereon." The disbursing officer shall certify on the SF 1113 that the services specified therein have been furnished, that payment has not been made to any claimant, and that the record has been annotated to prevent duplicate payment.

* * * * *

Subpart 101–41.49—Illustrations of Forms

§ 101–41.4901–1172 [Removed]

8. Section 101–41.4901–1172 is removed.

Dated: May 10, 1984.

Raymond A. Fontaine,

Comptroller.

[FR Doc. 84–14360 Filed 5–29–84; 8:45 am]

BILLING CODE 6820–AM–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[Docket No. CC 84–490; RM–4458; FCC 84–230]

Registration Standards to Permit Terminal Equipment for Connection to Voiceband Private Line Channels that Utilize Loop Start, Ringdown or Inband Signaling and Voiceband Metallic Private Line Channels

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to include within its terminal equipment registration program systems designed to be connected to voiceband private line channels that utilize loop start, ringdown or inband signaling and voiceband metallic private line channels. The rules proposed are those offered by American Telephone and Telegraph Company. The proposed rules include modifications proposed by the Utilities Telecommunications Council and GTE Service Corporation. Part 68 currently permits the registration of key telephone systems, but there are no rules or technical standards that permit the connection of such systems to key system tie lines. The purpose of this action is to provide similar treatment for key systems and tie lines as currently exists under Part 68 for Private Branch Exchanges (PBXs) and PBX tie trunks.

DATES: Comments due on or before June 28, 1984; Reply Comments due on or before July 13, 1984.

FOR FURTHER INFORMATION CONTACT: William H. von Alven, Domestic Service Branch, Domestic Facilities Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 634–1833.

SUPPLEMENTARY INFORMATION: For purposes of the Regulatory Flexibility Act, 5 U.S.C. 603, the FCC certifies that the proposed rule amendments will not have a significant economic effect on a substantial number of small entities.

List of Subjects in 47 CFR Part 68

Communications equipment, Telephone.

Notice of Proposed Rulemaking

Petition to Amend Part 68 of the Commission's Rules to Permit Registration of Termimal Equipment for Connection to Voiceband Private Line Channels that Utilize Loop Start, Ringdown or Inband Signaling and Voiceband Metallic Private Line Channels (CC Docket No. 84–490 RM–4458).

Adopted: May 16, 1984.

Released: May 23, 1984.

By the Commission.

1. American Telephone & Telegraph Company (AT&T) has filed a Petition for Rulemaking, RM–4458, in which it asks the Commission to amend Part 68 of its rules to accommodate within the terminal equipment registration program devices designed to be connected to (a) voiceband private line channels that utilize loop start, ringdown or inband signaling and (b) voiceband matallic private line channels.[1] These voiceband private line channels are known as key system tie lines.[2] Part 68 currently

[1] Part 68 provides the technical and procedural standards under which customer-provided telephone equipment may be directly connected to the nationwide telephone network without causing harm to the network or other users. For a chronicle of Part 68, *see* Memorandum Opinion and Order (Fourth Report) in Docket Nos. 19528, 20774 and 21182, 70 FCC 2d 1800 (1979).

[2] Key systems are small telephone switching systems that permit manual selection of incoming calls and outgoing lines. They are generally located on the customer's premises and often serve business offices. The equipment that controls the switching

Continued

permits the registration of key telephone systems that may be connected to the public switched network, but there are no rules or technical standards that would permit the connection of such terminal equipment to key system tie lines. The *First Report and Order* in Docket No. CC 79-143, 72 FCC 2d 330 (1980), established standards in Part 68 for the connection of tie trunks to Private Branch Exchanges (PBXs). *See* § 68.2(a) of the rules.[3] The purpose of AT&T's petition is to provide similar treatment to key systems and tie lines as currently exists under Part 68 for PBXs and tie trunks. Thus, if AT&T's proposal is adopted, Part 68 will encompass key system tie lines under § 68.2, Scope.

2. At the FCC/Industry Part 68 implementation meeting held on October 15, 1980, AT&T indicated that there were about eighty different kinds of key system tie line configurations in service and that an extensive study would be required to investigate the feasibility of consolidating this class of service offerings into a workable number of standards under Part 68. AT&T's Petition for Rulemaking reflects the results of its extensive study.

3. In response to AT&T's petition, The Commission received comments from IWATSU America, Tone Commander Systems, Inc., Rockwell/Wescom, Utilities Telecommunications Council (UTC) and GTE Service Corporation (GTE), all in support of the issuance of this Notice of Proposed Rulemaking.

4. In its comments, UTC suggests that the final rules include standards to encompass equivalent circuits, descriptions and references for "inband" and "ringdown" signaling; that § 68.3, Definitions, include a definition for "ringdown service"; that § 68.306(a)(7)(ii), Hazardous Voltage Limitations, state that the 5-Volt limitation be a positive value measured at the "tip" with respect to the "ring"; and that § 68.308(b), Signal Power Limitations, specify that a 20-millisecond time interval be allowed for the transmission of signaling tones over the public network and that a period of 13±7 milliseconds be required for the recognition of the tones and the insertion of a tone filter.

5. For its part, GTE suggests the following modifications to the AT&T proposal (the underscored wording constitutes GTE's suggested language.)

a. Section 68.3(cc):

Inband Signaling Private Line Interface: The point of connection between an inband signaling voiceband private line and terminal equipment or system where *frequencies are within the voiceband and all signal levels meet the requirements specified in § 68.308(b).* All tip and ring leads shall be treated as telephone connections for the purpose of fulfilling registration requirements.

b. Section 68.3(ee):

Voiceband Metallic Channel Interface: The point of connection between a voiceband metallic channel and terminal equipment or systems where the network does not provide any signaling or transmission enhancement. Registered terminal equipment or systems may use convenient signaling methods *so long as the signals are provided in such manner that they cannot interfer with adjacent network channels.* All tip and ring leads shall be treated as telephone connections for the purpose of fulfilling registration conditions.

c. Section 68.308(b)(1)(v)—Delete the words "or inband" and add a new subsection (vi) as follows:

(vi) For voiceband private lines using inband signaling in the band 2600±150 Hz, the maximum power delivered to a 600-ohm termination shall not exceed −24dB with respect to the −16dBm TLP. The maximum power other than live voice signals delivered to a 600-ohm termination during the talk mode and for other inband systems shall not exceed −13dB with respect to one milliwatt, when averaged over any 3-second interval.

d. Section 68.312(j) (1) and (2):[4]

(1) Registered terminal equipment and registered protective circuitry with 2-wire ports for loop start, ringdown, inband signaling or voiceband metallic channels shall provide a DC resistance between tip and ring conductors and earth ground *greater than 5 megohms for all DC voltages up to and including 100 volts* and 30 kilohms for all DC voltages between 100 and 200 volts.

(2) Registered terminal equipment and registered protective circuitry with 4-wire ports for loop start, ringdown, inband signaling or voiceband metallic channels shall provide a DC resistance between each of the tip, ring, tip 1 and ring 1 conductors and earth ground *greater than 5 megohms for all DC voltages up to and including 100 volts* and 30 kilohms for all DC voltages between 100 and 200 volts.

e. Section 68.314(d):

(d) Signaling interference. Registered terminal equipment and protective circuitry shall not deliver signals into a 2-wire loop simulator circuit or the transmit and receive pairs of a 4-wire loop simulator circuit or a 600-ohm (appropriate) from sources internal to the registered equipment or circuitry with energy in the 2450 to 2750 Hz band unless *the level is 24dB lower with respect to −16dBm TLP than the 1004 Hz level during the signaling mode and 36dB lower with respect to −16dBm TLP than the 1004 Hz level during the non-signaling mode.*

6. UTC's recommendation that Section 68.306(a)(7)(ii) state that the 5-Volt limitation be a positive value measured from tip to ring has been included in the Appendix, attached hereto. This proposed change provides a needed clarification. As to AT&T's proposed rules regarding definitions for ringdown, inband signaling and metallic voiceband interfaces, UTC suggests that the definitions for inband and ringdown signaling and for ringdown service be expanded to include equivalent circuits and detailed specifications. UTC does not, however, offer any language to support its suggestion, In the absence of such language, we will propose the definitions offered by AT&T. Parties are invited, of course, to comment on these proposals and to offer alternative language. Finally, UTC suggests that § 68.308(b), Signal Power Limitations, include a 20-millisecond interval for transmission of signaling tones over the network and a 13±7 millisecond interval for the recognition of tones and the insertion of tone filters. UTC states that these specifications are consistent with AT&T's network specifications found in *Notes on the Network*, but that the proposed rules would not permit the use of existing types of inband signaling equipment. Interested parties are encouraged to comment on the need for the new definitions and on signaling timing requirements suggested by UTC.

7. GTE's proposal for change in § 68.3, Definitions, is included in the Appendix, as is a slightly modified form of its proposals for changes to § 68.308, Signal Power Limitations, and § 68.314, Billing Protection. Its proposals with respect to the latter two sections involve voiceband power limitations which are specified in terms of a test level point (or "TLP"), a reference point for telephone engineering analysis generally thought of as located at the point where a local loop enters a central office. In our view, the problem with such a specification potentially is that compliance is dependent upon the attenuation of a loop between the premises equipment and the TLP. Since

function and the telephones themselves is also located on the customer's premises. Tie lines are dedicated private lines that do not directly access the public switched network. Tie lines may, however, be connected to the network through key systems and they may be connected at the other end to PBXs, key systems or to simple telephones.

[3] PBXs are similar to key systems but have the added capability to select automatically the first available trunk for making outgoing calls. They generally provide the user with many more operational features, such as increased capacity (more telephones), station message detail recording, least cost routing, flexible station programming, diagnostic maintenance facilities, etc. Tie trunks are dedicated private lines provided for use with PBXs. Tie trunks and tie lines cannot be used interchangeably.

[4] GTE suggests that their proposed 5-megohm requirement shown here is consistent with that proposed in RM-2845 (CC Docket No. 81-216), which is currently under consideration by the Commission.

this attenuation can vary, such a specification is not an equipment design specification which can be verified (measured) at the equipment itself. Our rules have consistently established voice-band power limitations to be conformed to at the equipment when the equipment is connected to a loop simulator, and we do not wish to depart from that approach here. In analogous circumstances, loop attenuation has been assumed to be 3 dB.[5] Accordingly, our proposed rule changes in §§ 68.308 and 68.314 are based on GTE's proposals, but the signal levels proposed by GTE have been increased by 3 dB in the § 68.308 proposals and the TLP reference has been deleted from both sets of proposed changes. Finally, we are including AT&T's proposed changes to § 68.312, On-hook Impedance Limitations, but not GTE's, as their recommendations are currently under consideration in RM–2845 and CC Docket No. 81–216, *Petitions Seeking Amendment of Part 68 of the Commission's Rules Concerning Connection of Telephone Equipment, Systems and Protective Apparatus to the Telephone Network*, 85 FCC 2d 868 (1981). Comments are invited on our proposed rule changes as outlined in the Appendix, and final rules will be based upon the record compiled.[6]

Ex-Parte Presentations

8. For purposes of this non-restricted informal rulemaking proceeding, members of the public are advised that *ex-parte* contacts are permitted from the time of issuance of a notice of proposed rulemaking until the time a draft order proposing a substantive disposition of such proceeding is placed on the Commission's Sunshine Agenda. In general, an *ex-parte* presentation is any written or oral communication (other than formal written comments/ pleadings and 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 presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex-parte* presentation addressing matters not fully covered in any written comments previously filed in the proceeding must prepare a written summary of that presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission's official receiving the oral presentation. Each *ex-parte* presentation discussed above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally*, § 1.1201 *et seq.* of the Commission's rules, 47 CFR 1.1201 *et seq.* In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

Ordering Clauses

9. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, 47 CFR § 1.419, an original and five (5) copies of all comments shall be furnished to the Commission. All submissions filed in this proceeding will be available for public inspection during regular business hours in the Commission's Docket Reference Room.[7]

10. Accordingly, and in view of the foregoing, it is ordered, pursuant to Section 1, 4, 201–05 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 201–05 and 403, and 5 U.S.C. 553, That a rulemaking proceeding IS COMMENCED to consider amendments to Part 68 of the FCC's Rules and Regulations, 47 CFR 68.2 *et seq.*

11. Interested parties may file comments to the matters contained in this docket on or before June 28, 1984 and reply comments on or before July 13, 1984. The Secretary shall cause a copy of this Notice to be published in the **Federal Register.**

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

PART 68—[AMENDED]

It is proposed to amend Part 68 of the Commission's Rules and Regulations (Chapter I of Title 47 of the Code of Federal Regulations, Part 68), as follows:

1. § 68.2(a) introductory text is revised and new paragraph (a)(5) is added, as follows:

§ 68.2 Scope.

(a) General. Except as provided for in Paragraphs (b), (c), (d), (e), and (f), the rules and regulations in this Part apply to the direct connection:

* * * * *

(5) of all terminal equipment or systems to voiceband private line channels for 2-point and multipoint private line services that utilize loop start, ringdown or inband signaling; or voiceband metallic channels.

2. In § 68.2, a new subsection (f) is added as follows:

(f) *Grandfathered Terminal Equipment or Systems for Connection to Voiceband Private Line Channels for 2-point and Multipoint Private Line Services that utilize Loop Start. Ringdown or Inband Signaling; or Voiceband Metallic Channels:* (1) Terminal equipment or systems, including premises wiring and protective apparatus (if any), directly connected to voiceband private lines for 2-point or multipoint service on (date to be inserted) may remain connected to that private line type service for life without registration unless subsequently modified, except for modifications allowed under § 68.2(f)(3).

(2) New installations of equipments may be installed (including additions to existing systems) up to (date to be inserted) without registration of any equipments involved, provided that these equipments are of a type directly connected to voiceband private lines for 2-point or multi-point services as of (date to be inserted). These equipments may remain connected to the private line-type service for life without registration, unless subsequently modified, except for modifications allowed under § 68.2(f)(3).

(3) Modification to systems and installations involving unregistered equipment:

(i) Use of other than fully-protected premises wiring is a modification under § 68.2. As an exception to the general requirements that no modification is

[5] The long-standing controlling signal power limitation has been established as the voice-band signal power measured over a 3-second interval. At the central office, the signal power level should not exceed −12 dBm. Provisions in our rules translate this to a −9 dBm specification as measured at the equipment, *e.g.*, § 68.308(b)(1), under the assumption that loop attentuation most commonly approximates 3 dB. If this 3 dB attenuation assumption is improper for the type of circuits involved here, parties may propose alternatives.

[6] We believe that inclusion of the voiceband private line channels described herein under Part 68 will be privately beneficial without being publicly detrimental. *See*, Carterfone, 18 FCC 2d 420 (1968), *reconsideration denied*, 14 FCC 2d 571 (1968).

[7] For purposes of the Regulatory Flexibiltiy Act, 5 U.S.C. 603, the FCC certifies that the proposed rule amendments will not have a significant impact on a substantial number of small entities. Most of the amendments proposed are for purposes of updating current provisions, and new rule proposals will not cause entities any significant additional economic impact.

permitted to unregistered equipment whose use is permitted under § 68.2, certain modifications are authorized herein.

(ii) Other than fully-protected premises wiring may be used if it is qualified in accordance with procedures and requirements of § 68.215. Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215(c) will have to be received from the equipment's manufacturer.

(iii) Existing, separate, identifiable, and discrete protective apparatus may be removed or replaced with apparatus of lesser protective function, provided that any premises wiring to which the private line service is thereby exposed conforms to § 68.2(f)(3)(ii) above. Minor modifications to existing unregistered equipments are authorized to facilitate installation of premises wiring, so long as they are performed under the responsible supervision and control of a person who complies with § 68.215(c). Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215 will have to be received from the manufacturer of the equipment so modified.

§ 68.3 [Amended]

3. In § 68.3, subsection (j) is revised as follows:

* * * * *

(j) *Loop Simulator Circuit:* A circuit that simulates the network side of a 2-wire or 4-wire telephone connection during testing. A schematic of the type of circuit that will be required is shown in Figure 68.3(a) for 2-wire loop or ground start circuits, Figure 68.3(b) for 2-wire reverse battery circuits, Figure 68.3(c) for 4-wire loop or ground start circuits, Figure 68.3(d) for 4-wire reverse battery cicuits, and small Figure 68.2(j) for voiceband metallic circuits. Figure 68.3(i) is an alternative termination for use in the 2-wire loop simulator circuits. Other implementations may be used provided that the same dc voltage and current characteristics and ac impedance characteristics and ac impedance characteristics will be presented to the equipment under test as are presented in the illustrative schematic diagrams. When used, the simulator shall be operated over the entire range of loop resistance as indicated in the Figures, and with the indicated polarities and voltage limits. Whenever loop current is changed, sufficient time shall be allocated for the current to reach a steady-state condition before continuing testing.

4. In § 68.3, the following paragraphs (bb), (cc), (dd) and (ee) are added:

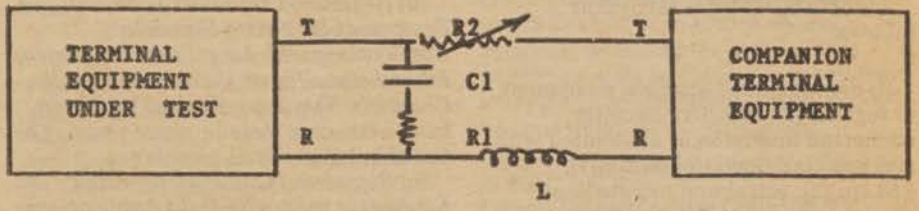
(bb) *Ringdown Voiceband Private Line Interface:* The point of connection between ringdown voiceband private line services and terminal equipment or systems which provide ringing (20 or 30 Hertz) in either direction for alterting only. All tip and ring leads shall be treated as telephone connections for purposes of fulfilling registration conditions. On 2-wire circuits the ringing voltage is applied to the ring conductor with the tip conductor grounded. On 4-wire circuits the ringing voltage simplexed on the tip and ring conductors with ground simplexed on the tip (1) and ring (1) conductors.

(cc) *Inband Signaling Private Line Interface:* The point of connection between an inband signaling voiceband private line and terminal equipment or systems where frequencies are within the voiceband and all signal levels meet the requirements specified in § 68.308(b). All tip and ring leads shall be treated as telephone connections for the purposes of fulfilling registration requirements.

(dd) *Companion Terminals Equipment:* Companion terminal equipment represents the terminal equipment that would normally be connected at the far end of a network facility and provides the range of operating conditions that the terminal equipment which is being registered would normally encounter.

(ee) *Voiceband Metallic Channel Interface:* The point of connection between a voiceband metallic channel and terminal equipment or systems where the network does not provide any signaling or transmission enhancement. Registered terminal equipment or systems may use convenient signaling methods so long as the signals are provided in such a manner that they cannot interfere with adjacent network channels. All tip and ring leads shall be treated as telephone connections for the purpose of fulfilling registration conditions.

LOOP SIMULATOR CIRCUIT VOICEBAND METALLIC CHANNELS



C1 = 500 mfd -10%+5%
R1 = 600 ohms ± 1%
L 10H, Resistance = RL
R2 + RL = continually variable from RL to RX;
where RX = Signaling range of terminal equipment under test; and RL RX

NOTES: For longitudinal balance measurements (§68.310), the DC portion of the loop simulator should be provided by removing R1 and C1. Companion terminal equipment grounds (including power supplies) must be isolated from longitudinal balance circuit grounds.

Figure 68.3(j)

5. § 68.100 is revised as follows:

§ 68.100 General.

In accordance with the rules and regulations in Subpart B of this Part, terminal equipment may be directly connected to the public switched telephone network and to those private line services included in § 68.2(a)(2) and (4). In addition, PBX (or similar) systems may be directly connected to those private line services included in § 68.2(a)(3).

6. A new § 68.306(a)(7) is added as follows:

§ 68.306 Hazardous voltage limitations.

(a) * * *

(7) During normal operation, registered terminal equipment for connection to ringdown voiceband private line interfaces or voiceband

metallic channel interfaces shall assure that:

(i) Ringing voltage is used for alerting only, does not exceed the volatge and current limits specified in paragaph (d), and is: (1) applied to the ring conductor with the tip conductor grounded for 2-wire interfaces, or (2) simplexed on the tip and ring conductors with ground simplexed on the tip (1) and ring (1) conductors for 4-wire interfaces.

(ii) Except during the signaling mode or for monitoring voltage, there is no significant dc voltage (not over +5 volts measured from tip to ring): (*a*) for 2-wire ports between tip and ring leads, the tip lead and ground, and (*b*) for 4-wire ports between the tip lead and ground, the ring lead and ground, the tip (1) lead ground, and the ring (1) lead and ground.

(iii) The voltages shall not exceed those defined in subsection 68.306 (b)(4) and (d).

(iv) The dc current per lead, under short circuit conditions shall not exceed 140 milliamperes.

* * * * *

§ 68.308 [Amended]

7. § 68.308(b)(1)(i) is revised as follows:

* * * * *

(i) For registered terminal equipment or registered protective circuitry, connected to interfaces associated with services contained in § 68.2(a)(1), § 68.2(a)(2), voiceband private line service, other than data equipment or data protective circuitry which is registered in accordance with § 68.308(b)(4), the maximum power of other than live voice signals delivered to a loop simulator circuit shall not exceed −9dB with respect to one milliwatt, when averaged over any 3-second interval. No manufacturing tolerance is allowed which would permit this power to be exceeded by any unit of equipment.

8. New § 68.308(b)(1) (v) and (vi) are added as follows:

(v) For voiceband private lines using ringdown signaling, the maximum power of other than live voice signals delivered to a 600 ohm termination shall not exceed −13dBm when averaged over any 3-second interval.

(vi) For voice band private lines using inband signaling in the band 2600±150 Hz, the maximum power delivered to a 600-ohm termination shall not exceed −23dBm. The maximum power other than live voice signals delivered to a 600-ohm termination during the talk mode and for other inband systems shall not exceed −13dBm when averaged over any 3-second interval.

9. New § 68.308(b)(5)(i) (F) and (G) are added as follows:

* * * * *

(F) Registered terminal; equipment or protective circuitry with capability for through-transmission from voiceband private line channels or voiceband metallic channels to other telephone network interfaces shall assure that the absolute signal power levels specified in this section, for each telephone network interface type to be connected, are not exceeded.

(G) Registered terminal equipment or protective circuitry with the capability for through transmission from voiceband metallic channels to other telephone network interfaces assure, for each telephone network interface type to be connected, that signals with energy in the 2450 to 2750 Hertz band are not through transmitted unless there is at least an equal amount of energy in the 800 to 2450 Hertz band.

§ 68.310 [Amended]

10. § 68.310 is amended by revising paragraphs (b), (c), (e), and (i) as follows:

* * * * *

(b) *Registered One-Port Terminal Equipment for 2-wire Non-data Applications with Loop Start, Ringdown, Inband signaling or Voiceband Metallic Channels.* The one-port shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance.

(c) *Registered One-Port Terminal Equipment for 2-wire Data Applications with Loop Start, Ringdown, Inband Signaling or Voiceband Metallic Channels.* The one-port shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance.

* * * * *

(e) *Registered Protective Circuitry for 2-wire Applications with Loop Start, Ringdown, Inband Signaling or Voiceband Metallic Channels.* These criteria shall be met with either terminal of the interface to other equipment connected earth ground. The interface to other equipment shall be terminated in an impedance which will be reflected to the telephone connection as 600-ohms in the off-hook state of the registered protective circuit, and the interface should not be terminated in the on-hook state. Figure 68.310(e) shows the interface of the protective circuitry being tested and the required arrangement at the interface to other equipment.

* * * * *

(i) *Registered Terminal Equipment and Registered Protective Circuitry for 4-wire Network Ports.* The pair under test shall be driven from a 600-ohm metallic source having a 500–ohm longitudinal impedance. The pair not under test shall be terminated in a metallic impedance of 500–ohms. Other conditions are as follows:

(1) Registered Protective Circuitry for Loop Start, Ground Start, Reverse Battery, Ringdown, Inband Signaling or Voiceband Metallic Channel Applications. These criteria shall be met with either terminal of the interface to other equipment connected to earth ground. The interface to other equipment shall be terminated in an impedance that will result in 600–ohms at each of the transmit and receive pairs of the 4–wire telephone connection in the off-hook state of the registered potective circuit, and the interface should not be terminated in the on-hook state. Figure 68.310(j) shows the interface of the protective circuitry being tested and the required arrangement at the interface to other equipment.

(2) Registered Multiport Equipment for Loop Start, Ground Start, and Reverse Battery, Ringdown, Inband Signaling, or Voiceband Metallic Channel Applications. These criteria shall be satisfied for all network ports when the ports are terminated as defined below, and when interface connections other than the network ports are terminated in circuits appropriate to the interface. The criteria shall also be satisfied for all values of dc loop current that the registered equipment is capable of drawing through each port when the port is connected to the appropriate 4-wire loop simulator circuit, Figure 68.3(c) or 68.3(d). The terminations for both pairs of all network ports not under test shall have a metallic impedance of 600-ohms and a longitudinal impedance of 500 ohms. Figure 68.320(g) shows this termination.

11. A new § 68.312(j) is added:

§ 68.312 On-hook impedance limitations

* * * * *

(j) *Limitations on Individual Equipment Ports with Ringdown or Inband Signaling or Voiceband Metallic Channels for Connection to Voiceband Private Line Interfaces.*

(1) Registered terminal equipment and registered protective circuitry with 2-wire ports for ringdown, inband signaling or voiceband metallic channels shall provide a dc resistance between tip and ring conductors and between each of the tip and ring conductors and earth ground greater than 30 kilohms for all dc voltages up to and including 200 volts.

(2) Registered terminal equipment and registered protective circuitry with 4-wire ports for ringdown, inband signaling or voiceband metallic channels

shall provide a dc resistance between each of the tip, ring, (1) and ring (1) conductors and earth ground greater than 30 kilohms for all dc voltages up to and including 200 volts.

§ 68.314 [Amended.]

Sction 68.314 is amended by revising the caption for paragraph (a), the intradictory text of (b), and the introductory text of paragraph (d) to read as follows:

(a) *Call duration requirements on data equipment connected to the Public Switched Network, or to Tie Trunks, or to Private Lines that access the Public Switched Network.*

* * * * *

(b) *Voice and data equipment on-hook signal requirements for equipment connected to the Public Switched Network, or to Tie Trunks, or to Private Lines that access the Public Switched Network.* Registered protective circuitry and registered terminal equipment shall comply with the following:

* * * * *

Signaling interface requirements for the terminal equipment connected to the Public Network or Private Lines identified in § 68.2(a)(2) and (3). Registered terminal equipment and registered protective circuitry shall not deliver signals into a 2-wire loop simulator circuit or the transmit and receive pairs of a 4-wire loop simulator circuit or a 600–ohm termination (where appropriate) from sources internal to the registered equipment or circuitry, withenergy in the 2450 to 2750 Hz band unless the level is 24dB lower than the 1004 Hz during the signaling mode and 36 dB lower than the 1004 Hz level during the signaling mode.

[FR Doc. 84–14337 Filed 5–29–84; 845 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 84–473; RM–4663]

FM Broadcasting Station in Central Valley, California; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Channel 257A to Central Valley, California, at the request of Lisa M. Smith. The channel could provide Central Valley with its first local FM service.

DATES: Comments must be filed on or before July 12, 1984, and reply comments on or before July 27, 1984.

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

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Central Valley, California) MM Docket No. 84–473 RM–4663.

Adopted: May 9, 1984.
Released: May 21, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition filed by Lisa M. Smith ("petitioner") requesting the assignment of FM Channel 257A to Central Valley, California, as that community's first local allocation. The channel can be assigned in compliance with the Commission's minimum distance separation and other technical requirements. The petitioner failed to state that she would apply for the channel, if assigned, and is therefore requested to do so in comments.

2. We believe the public interest would be served by proposing the assignment of a first FM allocation to Central Valley, as there appears to be an interest in use of the Channel. Therefore, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the community listed below:

City	Channel No.	
	Present	Proposed
Central Valley, California		257A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 12, 1984, and reply comments on or before July 27, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows:

Lisa M. Smith, 3230 Clemo Avenue, Oroville, California 95965

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply To Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1918.

6. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one,which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceedings. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick R. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly.

Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceedings.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

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

[FR Doc. 84-14338 Filed 5-29-84; 8:45 am
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-474; RM-4678]

FM Broadcast Station in Quincy, Illinois; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 280A to Quincy, Illinois, as that community's third FM service, in response to a petition filed by Linda Crook.

DATES: Comments must be filed on or before July 12, 1984, and reply comments on or before July 27, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Quincy, Illinois) MM Docket No. 84-474, RM-4678.

Adopted: May 9, 1984.
Released: May 21, 1984.
By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Linda Crook ("petitioner"), requesting the assignment of Channel 280A to Quincy, Illinois, as that community's third FM service. Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. In view of the fact that the proposed assignment could provide a third FM service to Quincy, Illinois, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Quincy, Illinois	258, 286	258, 280A, and 286.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 12, 1984, and reply comments on or before July 27, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner, as follows:

Linda Crook, 1622 N. Benton Way, Los Angeles, California 90026

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule

Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflicts with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the Communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

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

[FR Doc. 84-14343 Filed 5-29-84; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-471; RM-4664]

FM Broadcast Station in Duluth, Minnesota; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Channel 269A to Duluth, Minnesota, as its seventh FM allotment. The assignment was requested by the Freedom Development Corp.

DATES: Comments must be filed on or before July 12, 1984, and reply comments on or before July 27, 1984.

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

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Duluth, Minnesota); MM Docket No. 84-471, RM-4664.

Adopted: May 9, 1984.
Released: May 21, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making filed by Freedom Development Corp. ("Freedom") seeking the assignment of FM Channel 269A to Duluth, Minnesota, as that community's seventh FM channel. Freedom states that it represents an Indian Reservation which "has an interest in building a new FM station in Duluth." The channel can be assigned in compliance with the Commission's minimum distance separation requirements, provided a transmitter is located approximately 3.5 miles northwest of Duluth to avoid a short-spacing to Station WHSM, Channel 269A, at Hayward, Wisconsin.

2. Duluth is located within 320 kilometers (200 miles) of the U.S.-Canadian border. The concurrence in this assignment by Canada is therefore required. In addition, Freedom is requested to state that the channel will be applied for promptly, if assigned.

3. In view of the fact that the proposal could provide Duluth with a seventh FM service, we believe it is in the public interest to seek comments on the proposal to amend the FM Table of Assignments, § 73.202(b) of the Rules, with respect to the listed community, as follows:

City	Channel No.	
	Present	Proposed
Duluth, Minnesota	225, 235, 239, 255, 277, and 286.	225, 235, 239, 255, 269A, 277, and 286.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 12, 1984, and reply comments on or before July 27, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows:

Dan Mahoney, Chairman, Freedom Development Corp., 8 Arlington Street, Auburn, Massachusetts 01501

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are

prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

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

[FR Doc. 84-14340 Filed 5-29-84; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-470; RM4665]

FM Broadcast Station in Farmington, New Mexico; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Channel 294 to Farmington, New Mexico, at the request of Dwight R. Magnuson. The assignment could provide that community with its fourth commercial FM assignment.

DATES: Comments must be filed on or before July 12, 1984, and reply comments on or before July 27, 1984.

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

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Farmington, New Mexico); MM Docket No. 84-470, RM-4665.

Adopted: May 9, 1984.

Released: May 21, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making submitted by Dwight R. Magnuson, requesting the assignment of FM Channel 283 to Farmington, New Mexico, as that community's fourth commercial FM assignment. Petitioner has stated his intention to apply for the channel, if assigned. However, the assignment of Channel 283 at Farmington would conflict with the proposed assignment of FM Channel 283 at nearby Bloomfield, New Mexico (MM Docket No. 83-1233, RM-4542). However, Channel 294 can be assigned in compliance with the Commission's minimum distance separations and other technical requirements and negate the conflict with the Bloomfield proposal. Therefore, that channel will be proposed herein.

2. The Commission believes it would be in the public interest to propose the assignment of Channel 294 to Farmington as its fourth FM assignment. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as concerns the community listed below:

City	Channel No.	
	Present	Proposed
Farmington, New Mexico	225, 245, and 271.	225, 245, 271, and 294.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 12, 1984, and reply comments on or before July 27,

1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows:

Edward M. Johnson & Associates, Inc., One Regency Square, Suite 450, Knoxville, Tennessee 37915 (Consultant to petitioner)

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

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

[FR Doc. 84-14341 Filed 5-29-84; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-472; RM-4688]

FM Broadcast Station in Block Island, Rhode Island; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Channel 261A to Block Island, Rhode Island, as that community's second FM service, in response to a petition filed by Nick DePetrillo.

DATE: Comments must be filed on or before July 12, 1984, and reply comments must be filed on or before July 27, 1984.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Block Island, Rhode Island): MM Docket No. 84–472, RM–4688.

Adopted: May 9, 1984.
Released: May 21, 1984.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed by Nick DePetrillo ("petitioner"), seeking the assignment of Channel 261A to Block Island, Rhode Island, as that community's second FM assignment. Additionally, a separate petition was filed by Harvest Broadcasting Services ("Harvest"), requesting the same channel assignment to Block Island. We have treated Harvest's petition as comments in support. Both parties have indicated their intent to apply for the channel, if assigned.

2. A staff engineering study reveals that Channel 261A can be assigned to Block Island consistent with the minimum distance separation requirements of § 73.207 of the Commission's Rules, provided the

transmitter is restricted to an area 1.2 miles southeast of the community to avoid short spacing on the co-channel to Station WQVR in South Bridge, Massachusetts.

3. In light of the fact that the proposed assignment could provide a second local FM service to Block Island for the expression of diverse viewpoints and programming, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules with respect to that community, as follows:

City	Channel No.	
	Present	Proposed
Block Island, Rhode Island	257A	257A, 261A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 12, 1984, and reply comments on or before July 27, 1984, and are advised to read the appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel, or consultant, as follows:

Nick DePetrillo, Box 101, Block Island, RI 02807; and
Harvest Broadcasting Services, box 105 FM, Hinsdale, NH 03451

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), and 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy v. Joyner, Mass Media Bureau, (202) 634–6530. However, member of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

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

[FR Doc. 84-14339 Filed 5-29-84; 8:45 am]
BILLING CODE 6712-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Ch. 7

Overseas Recruitment Incentive Revision

AGENCY: Agency for International Development (AID).

ACTION: Proposed rule.

SUMMARY: This proposed AIDAR Notice revises the Overseas Recruitment Incentive (ORI) Clause to reflect the Economic Recovery Tax Act of 1981. The revised coverage requires payment to be made only at the end of the tour since that is when a determination can be made as to whether an individual

qualifies for the exemption. The amount of ORI has been changed from an average incentive not to exceed ten percent of the initial base annual salary of all eligible employees to a maximum of ten percent of the base salary per individual for the period of eligible services. The ORI coverage has been moved from the contract clause section and placed in the AIDAR cost principal section. The already existing ORI cost principle for commercial organizations has also been revised to conform to the change.

DATE: Comments are due on or before July 30, 1984.

ADDRESS: Comments should be submitted to M/SER/CM/SD/POL, Room 713, SA–14, Agency for International Development, Washington, D.C. 20523.

FOR FURTHER INFORMATION CONTACT: C. R. Eldridge, M/SER/CM/SD/POL, Agency for International Development, Washington, D.C. 20523. Telephone (703) 235–9107.

SUPPLEMENTARY INFORMATION: (a) This proposed AIDAR amendment is being made available for review and comment in accordance with OFPP Policy Letter 83–2 (48 FR 24492, June 1, 1983 and AIDAR 701.374(b).

(b) The proposed amendment is a change to a procurement regulation which has been exempted from the requirements of Executive Order 12291 February 17, 1981 by a memorandum from the Director of OMB.

(c) As required by the Regulatory Flexibility Act, AID certifies that the proposed AIDAR amendment will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 48 CFR Ch. 7

Government procurement.

PART 731—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 731.2—Contracts With Commercial Organizations

1. 731.205–6 is amended to revise paragraph (a)(3) and add a new paragraph (a)(4).

731.205–6 Compensation for personal services.

(a) * * *

(1) * * *

(2) * * *

(3) *Overseas recruitment incentive*

(i) Contractor employees serving overseas under a contract, who do not qualify for a U.S. tax exemption for overseas income provided section 911 of the U.S. Internal Revenue Code (26 U.S.C. 911), are eligible to receive a salary supplement (overseas recruitment incentive). The overseas recruitment incentive (ORI) shall not exceed a maximum of ten percent of the base salary per individual for the period of eligible services. This supplement, if offered by the contractor, shall be paid at the end of an employee's tour of duty overseas. The contractor shall require the employee to furnish a certification of the employee's non-eligibility for Section 911 exclusion. Any questions of eligibility shall be settled by the contracting officer.

(ii) This supplement will not be paid in an amount which would cause the employee's salary to exceed the maximum payable annual or daily rate for a Foreign Service Officer Class FS–1 in effect at the time the base salary was earned. The FS–1 rate is set forth in the payment schedule of the Uniform State/AID/USIA Regulations, as from time to time amended. Any exception to the FS–1 limitation must be approved by the Contracting Officer.

(iii) In the event that an employee subsequently receives a section 911 exclusion for any part of the base salary upon which this supplement has been paid, such supplement or appropriate portion thereof shall be reimbursed by the contactor to AID with interest. The interest shall be calculated at the average U.S. Treasury rate in effect for the period that the contractor or his employee had the funds. Neither the contractor's nor a subcontractor's inability to collect refunds from eligible employees shall be used as a basis to excuse subsequent refunds by the contractor to AID.

(4) The workweek for the contractor's overseas employees should take into consideration local practices and, in collaboration with the Mission Director, shall be established to coincide with the workweek for those employees of the AID Mission and/or the cooperating country.

* * * * *

Subpart 731.3—Contracts With Educational Institutions

2. 731.371 is amended by adding the following new paragraphs (c) and (d).

731.371 Compensation for personal services.

* * * * *

(c) *Overseas recruitment incentive.*

(1) Contractor employees serving overseas under a contract, who do not qualify for a U.S. tax exemption for overseas income provided under section 911 of the U.S. Internal Revenue Code (26 U.S.C. 911), are eligible to receive a salary supplement (overseas recruitment incentive). The overseas recruitment incentive (ORI) shall not exceed a maximum of ten percent of the base salary per individual for the period of eligible services. This supplement, if offered by the contractor, shall be paid at the end of an employee's tour of duty overseas. The contractor shall require the employee to furnish a certification of the employee's non-eligibility for section 911 exclusion. Any questions of eligibility shall be settled by the contracting officer.

(2) This supplement will not be paid in an amount which would cause the employee's salary to exceed the maximum payable annual or daily rate for a Foreign Service Officer Class FS–1 in effect at the time the base salary was earned. The FS–1 rate is set forth in the payment schedule of the Uniform State/AID/USIA Regulations, as from time to time amended. Any exception to the FS–1 limitation must be approved by the Contracting Officer.

(3) In the event that an employee subsequently receives a section 911 exclusion for any part of the base salary upon which this supplement has been paid, such supplement or appropriate portion thereof shall be reimbursed by the contractor to AID with interest. The interest shall be calculated at the average U.S. Treasury rate in effect for the period that the contractor or his employee had the funds. Neither the contractor's nor a subcontractor's inability to collect refunds from eligible employees shall be used as a basis to excuse subsequent refunds by the contractor to AID.

(d) The workweek for the contractor's overseas employees should take into consideration local practices and, in collaboration with the Mission Director, shall be established to coincide with the workweek for those employees of the AID Mission and/or the cooperating country.

Subpart 731.7—Contracts With Nonprofit Organizations

3. 731.772 is amended by adding the following new paragraphs (c) and (d).

731.772 Compensation for personal services.

* * * * *

(c) *Overseas recruitment incentive.*

(1) Contractor employees serving overseas under a contract, who do not qualify for a U.S. tax exemption for overseas income provided under section

911 of the U.S. Internal Revenue Code (26 U.S.C. 911), are eligible to receive a salary supplement (overseas recruitment incentive). The overseas recruitment incentive (ORI) shall not exceed a maximum of ten percent of the base salary per individual for the period of eligible services. This supplement, if offered by the contractor, shall be paid at the end of an employee's tour of duty overseas. The contractor shall require the employee to furnish a certification of the employee's non-eligibility for section 911 exclusion. Any questions of eligibility shall be settled by the contracting officer.

(2) This supplement will not be paid in an amount which would cause the employee's salary to exceed the maximum payable annual or daily rate for a Foreign Service Officer Class FS–1 in effect at the time the base salary was earned. The FS–1 rate is set forth in the payment schedule of the Uniform State/AID/USIA Regulations, as from time to time amended. Any exception to the FS–1 limitation must be approved by the Contracting Officer.

(3) In the event that an employee subsequently receives a section 911 exclusion for any part of the base salary upon which this supplement has been paid, such supplement or appropriate portion thereof shall be reimbursed by the contractor to AID with interest. The interest shall be calculate at the average U.S. Treasury rate in effect for the period that the contractor or his employee had the funds. Neither the contractor's nor the subcontractor's inability to collect refunds from eligible employees shall be used as a basis to excuse subsequent refunds by the contractor to AID.

(d) The workweek for the contractor's overseas employees should take into consideration local practices and, in collaboration with the Mission Director, shall be established to coincide with the workweek for those employees of the AID Mission and/or the cooperating country.

Subpart 752.70—Texts of AID Contract Clauses

752.7007 [Amended]

4. 752.7007 is amended by removing the two paragraphs designated (c) from the clause.

Dated: May 15, 1984.

John F. Owens,

Associate Assistant to the Administrator for Management.

[FR Doc. 84–14354 Filed 5–29–84; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 533

[Docket No. FE–78–01; Notice 5]

Light Truck Average Fuel Economy Standards Model Years 1984 and 1985

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend average fuel economy standards applicable to light trucks manufactured in model year 1985. Ford Motor Company petitioned NHTSA to lower the 1984 standard from 20.0 to 19.0 mpg and the 1985 standard from 21.0 to 19.5 mpg, with corresponding changes to the optional two and four wheel drive standards. The company argued that projected consumer demand for more fuel efficient light trucks and smaller displacement engines has not materialized to the extent anticipated when the standards were initially established. Further, Ford argues that NHTSA erred in failing to project a loss in average fuel economy due to changes in EPA's light duty truck emission standards and associated regulations. Based on its own analysis, the agency proposes to reduce the 1985 standards to the levels requested by Ford. The agency has tentatively decided it must deny the Ford request for the 1984 model year, since the petition was not timely filed with regard to that year. However, comment is invited on that issue.

DATE: Written comments on this notice must be submitted in time to be received by the agency no later than June 29, 1984.

ADDRESS: Comments on this notice must refer to the docket and notice numbers set forth above and be submitted (preferably in 10 copies) to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. Submissions containing information for which confidential treatment is requested should be submitted (preferably in 3 copies) to Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, D.C. 20590, and 7 additional copies from which the purportedly confidential information has been deleted should be sent to the Docket Section.

FOR FURTHER INFORMATION CONTACT: Mr. William Boehly, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. (202–426–1740).

SUPPLEMENTARY INFORMATION: Section 502(b) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(b)), requires the Secretary of Transportation (and by delegation, the NHTSA Administrator) to establish average fuel economy standards for light trucks manufactured in each model year beginning with 1979. Under that section, each standard must be prescribed in the first instance at least 18 months prior to the start of the model year to which it applies and must be set at the maximum feasible average fuel economy level. That level shall be determined after considering technological feasibility, economic practicability, the need of the nation to conserve energy, and the effects of other Federal motor vehicle standards on fuel economy. See 15 U.S.C. 2002(e). Once established, a standard may be amended, so long as the amended standard meets the requirements of section 502(b). See 15 U.S.C. 2002(f).

On December 11, 1980, NHTSA published light truck average fuel economy standards for model years 1983–85. See 45 Fed. Reg. 81593. These standards (expressed in miles-per-gallon) are as follows:

	Combined	Two-wheel drive	Four-wheel drive
1983	19.0	19.5	17.5
1984	20.0	20.3	18.5
1985	21.0	21.6	19.0

Standards are applicable to all trucks with a gross vehicle weight rating up to 8500 pounds, a curb weight of 6000 pounds or less, and a frontal area of 45 square feet or less. Manufacturers are permitted to comply with either the combined standard or to comply with the separate two-wheel drive (4x2) and four-wheel drive (4x4) standards for the appropriate portions of their light truck fleet. Captive import light trucks are required to comply separately with standards, i.e., a domestic manufacturer's captive import light trucks are treated as if manufactured by a separate company.

The basis for the original 1984 and 1985 standards is described in detail in the Federal Register notices (see proposal at 44 FR 77199, December 31, 1979, and final rule, *supra*) for that rulemaking proceeding and related technical documents which are in the agency's public docket. In general, improvements in fuel economy during

these model years were expected to result principally from the introduction of new compact pickup trucks and compact vans, and the introduction of smaller displacement engines. The agency projected that new as well as carry-over models could employ improved engine driven accessories, lower friction lubricants, lower rolling resistance radial tires, a variety of transmission improvements and, in conjunction with engines of smaller average displacement, lower numerical axle ratios. Based on these projections, the agency concluded that Ford would be the manufacturer which would have the most difficulty in improving the fuel economy of its light trucks, with a maximum feasible fuel economy projection approximately two mpg below its domestic competitors. The agency established standards at a level it considered that Ford could attain. That level was based in part on the economic difficulties Ford (along with much of the motor vehicle industry) was experiencing at the time and the potential harm to Ford if it were compelled to comply with standards set at a level above the agency's maximum feasible projection.

Ford Petition

On November 21, 1983, Ford petitioned the agency to reduce the 1984–85 light truck average fuel economy standards. In effect, Ford requested that the existing 1983 combined standard be carried over to 1984, and that the existing 1984 combined standard be carried over to 1985. Similar changes were requested in the 4x2 standards for both years. No changes were requested in the 4x4 standards.

Ford argued that it had applied all the fuel economy improving technology projected by the agency (and more in certain instances) and that it had introduced all the contemplated new models, but that two factors had caused its fuel economy improvement capability to be substantially less than NHTSA had projected in 1980. These factors were a change in expected consumer demand for domestic fuel efficient vehicles and an actual fuel economy penalty associated with changes in emission regulations. Actual consumer demand resulted in lower than acticipated sales of domestic compact light trucks and higher than anticipated relative shares of larger displacement engines, according to Ford. In the emission control area, manufacturers were required to comply with more stringent light truck emission standards for hydrocarbons and carbon monxide beginning with the 1984 model year, and to certify compliance with standards for light trucks for an extended useful life period beginning with the 1985 model year. NHTSA had anticipated that the emission regulation changes could be offset by the use of advanced emission control technology, but Ford argues that it experienced fuel economy reductions of 0.3–0.4 mpg for 1984 and approximately 0.2 mpg further in 1985, notwithstanding the use of such control technology.

On January 20, 1984, Ford amended its petition with regard to the 1985 model year, requesting further reductions in standards for that year. The specific levels of standards requested were a combined standard of 19.5 mpg, with corresponding 4x2 and 4x4 standards of 19.7 and 18.9 mpg, respectively. This amended petition reflected Ford's further analysis of the impact of ongoing shifts in market demand for light trucks on projected sales levels for Ford's 1985 light truck fleet.

NHTSA's Preliminary Analysis

a. *Gasoline prices.* Gasoline prices over the past three years have been significantly lower than anticipated when NHTSA established the 1984 and 1985 standards in December 1980. The agency believes that the stabilizing of gasoline prices has affected light truck sales. In particular, it has contributed to consumer demand for a less fuel efficient mix of powertrains than the agency projected in the December 1980 final rule.

The final rule for 1983–1985 was issued in the context of a near tripling of the cost of imported petroleum over the 1977–79 period, and expectations of continuing (though more moderate) increases for the foreseeable future. NHTSA projected that gasoline would sell for $1.92 by 1985 (expressed in 1984 dollars), increasing to $2.00 by 1991. In fact, gasoline prices declined by about 17 percent (in real terms) between 1980 and 1983. The agency now does not expect gasoline prices to exceed $2.00 (in 1984 dollars) until 1997, and not to match the price anticipated in the original rulemaking proceeding until 2004.

b. *Mix changes.* The agency's regulatory impact analysis for this proposal (copies of which are availble from the agency's Docket Section) describes the impact of this leveling off (or even reduction) in gasoline prices. Consumer surveys conducted in 1980 indicated that 33 percent of consumers ranked fuel economy as the most important new care attribute. By 1983, that figure had fallen to 10 percent. Notwithstanding the stable gas prices, sales levels for small trucks in 1983 were significantly higher than NHTSA projected in 1980, with small trucks capturing about 45 percent of light truck sales, compared to NHTSA's 1980 estimate of about 35 percent. Virtually all of this increase in market share was gained by imports, however, which achieved an 18 percent market share of light trucks in 1983, compared to the agency's 1980 estimate of 8 percent. For the domestic manufacturers, small truck sales as a fraction of total sales were 4 percentage points higher than the agency originally estimated. This trend appears to be continuing for 1984 but, based on Ford's sales projections for 1985, may reverse itself by the latter year.

Based on NHTSA's preliminary analysis, the major change from NHTSA's 1980 projections appears to be in the area of powertrain mix. Manufacturers are selling significantly higher percentages of larger displacement engines than the agency originally estimated. Further, sales of diesel engines have dropped dramatically, to levels roughly one-third of those anticipated. In the compact pickup truck models, sales of four cylinder gasoline engines have a market share roughly 20 percentage points below that originally anticipated. Sales of 6 cylinder engines in those trucks have been much higher than expected. In the standard size pickup trucks, a similar shift has occurred from six and small displacement eight cylinder engines to larger displacement eight cylinder engines.

c. *Changes in Ford's projected capability.* The agency has performed a preliminary analysis to identify the areas in which its 1980 projections of Ford's maximum feasible fuel economy levels for 1984 and 1985 (i.e., the standards for those years) differ from Ford's current product plan.

The most significant change affecting Ford's 1984 CAFE is a shift in the powertrain mix within its standard 4x2 pickup truck line, resulting in an average engine displacement increase of about 19 percent compared to the agency's 1980 projection. Two smaller displacement engines offered by Ford have been discontinued due to Ford's conclusions that the engines provided inadequate power and that they achieved poorer fuel economy than an existing, larger displacement Ford engine. In addition, Ford's large V–8 engine, which was expected to be discontinued by 1984, has been retained due to high consumer demand. This shift reduced Ford's 4x2 CAFE by 0.8 mpg, compared to the agency's 1980 projection.

Similar engine shifts occurred in Ford's 1984 compact pickup trucks (the Ranger). Those vehicles were originally expected to be offered only with 4-cylinder engines. Now approximately one-half are being sold with a 6-cylinder option. Ford found that it was losing sales of compact pickup trucks to General Motors, since the latter company offered a 6-cylinder engine option on its comparable vehicle. Since Ford began offering a 6-cylinder option in February 1983, Ranger sales have risen substantially relative to GM's compact pickup sales. During the months of 1982 when the products competed (excluding the first two introductory months for the Ranger), Ford Ranger sales averaged 63 percent of the level of GM compact pickup sales. During 1983, this ratio rose to 84 percent. This shift reduced Ford's 4x2 CAFE by 0.3 mpg compared to NHTSA's 1980 projection.

Thus, the engine mix shifts for 1984 discussed above total 1.1 mpg out of the 1.2 mpg difference between the existing 1984 two-wheel drive standard and Ford's requested standard, with several minor factors resulting in the ramaining difference.

Ford argues in its petition that changes in light duty truck emission standards for hydrocarbons and carbon monoxide which took effect for the first time in 1984 have reduced its light truck average fuel economy by 0.3 to 0.4 mile per gallon, whereas NHTSA projected that there would be no fuel economy penalty. The agency has requested the views of the Environmental Protection Agency on this matter. Subsequent to receiving the EPA analysis, NHTSA will independently assess this issue. Until NHTSA completes its assessment of this issue, we will take no position on the Ford agrument and have not included this effect in the 1.1 mpg impact calculated above. We specifically request comment on this issue.

The same engine mix shifts found to occur in 1984 also are expected to persist through 1985. These shifts have reduced Ford's 4×2 average fuel economy by approximately 1.2 mpg, compared to the agency's 1980 projections. Two thirds of this reduction is attributable to shifts in the standard F–150 pickup truck, with the remainder in the compact pickup truck.

A further reduction of 1.1 miles per gallon in 1985 is due to an increase in numerical axle ratios in the F–150 and compact Ranger 4×2 light trucks. Ford argues that this increase is a result of the need to provide adequate trailer towing capability for its light trucks. A Ford survey shows that a higher portion of its truck buyers use their vehicles for trailer towing than do buyers of other light trucks. The agency tentatively agrees with this assessment for purposes of this notice of proposed rulemaking. Comment is invited on this question.

A further reduction in Ford's 1985 average fuel economy was claimed to result from EPA's "extended useful life" regulations. This regulation requires manufacturers to certify compliance with light duty truck emissions standards for eleven years or 120,000 miles, compared to the previous requirement of five years or 50,000 miles. Ford views this change as effectively increasing the stringency of the applicable emission standards, resulting in fuel economy loss of 0.2 mpg for its light truck fleet. NHTSA is awaiting EPA's analysis of this issue, to aid in our own assessment. The proposed standards do not relect a reduction to account for this factor.

One change that promotes higher fuel economy than was projected in the agencys 1980 analysis was the use of electronic fuel injection in a portion of Ford's 1985 light truck fleet. This product action increases Ford's 4×2 fuel economy by 0.4 mpg. Also, Ford projects the use of more automatic overdrive transmissions than did the agency in 1980, increasing Ford's CAFE by 0.2 mpg in 1985.

The engine mix shifts projected for 1985, as partially offset by the use of electronic fuel injection and the additional use of the automatic overdrive transmissions, produce a collective negative impact of 1.7 mpg, out of the 1.9 mpg reduction requested by Ford in the 1985 two-wheel drive standard. The remaining difference is due to several small impacts. It appears that in certain areas Ford achieved greater fuel economy improvements than the agency anticipated in 1980 (beyond the use of fuel injection). For example, Ford sold a higher percentage of compact trucks in 1984, expects to achieve a higher fuel economy in its compact van, and used more 5-speed overdrive manual transmissions in its 4×2 fleet than the agency anticipated in 1980. Offsetting these positive changes are apparent fuel economy losses due to Ford's not having a lock-up torque converter on its three speed automatic transmission, a reduction in overall manual transmission usage rates, its apparent lack of success in obtaining the full lubricant improvement projected by the agency in 1980, and possible axle ratio increases beyond those discussed above. There may well be other differences. The agency will continue to analyze this matter for the final rule. Comment is invited, especially from the petitioner, on further differences between the agency's 1980 analysis and Ford's current projections.

d. *Least capable manufacturer.* In the original rulemaking to establish standards for 1984–85, the agency concluded that Ford would be the "least capable manufacturer" in terms of its maximum feasible fuel economy. In the Conference Report on the Act, Congress directed that the agency not necessarily set standards at the level of the least capable manufacturer, but consider industry-wide factors. However, the agency is also directed to balance the difficulties individual manufacturers might have in complying with a given standard against the energy conservation benefits of that standard. See Senate Report No. 94–516, 94th Cong., 1st Sess. (1975) at 154–5. In the original standard-setting proceeding, the agency concluded that standards should be set at Ford's level due to that company's economic difficulties at that time and its substantial share of the light truck market. While the agency believes that the previously cited Conference Report language contemplates situation where standards would be set at levels some manufacturers are incapable of meetings, NHTSA does not believe in this instance that maintaining the existing standards is consistent with statutory direction.

While Ford's economic condition has improved considerably since then, there is evidence that other domestic manufacturers may be having difficulty with the light truck standards. General Motors, which the agency had predicted would be able to comfortably exceed the 1984–85 standards, sent the agency a letter on January 9, 1984, indicating that it had experienced similar losses in fuel economy. (See Docket FE–78–01– Notice 5–No. 21.) Chrysler's 1984 pre-model year fuel economy report indicates that that will achieve a 1984 light truck average fuel economy level of 18.5 mpg. That level is 1.5 miles per gallon below the combined standards for that year and is about 0.4 mpg below Ford's level. Comment is invited on the fuel economy capability of other light truck manufacturers for 1984–85, and how the agency should take these other capabilities into account when setting the final standards for those years.

Another issue on which comment is sought involves the timing of Ford's petition. A statement appearing on page 157 of the Conference Report, *supra* reads as follows:

> Average fuel economy standards prescribed by the ST (Secretary of Transportation) for passenger automobiles in

model years after 1980, for non-passenger automobiles, and for passenger automobiles manufactured by manufacturers of fewer than 10,000 passenger automobiles may be amended from time to time as long as each such amendment satisfies the 18 month rule—i.e., any amendment which has the effect of making an average fuel economy standard more stringent must be promulgated at least 18 months prior to the beginning of the model year to which such amendment will apply. An amendment which has the effect of making an average fuel economy standard less stringent can be promulgated at any time prior to the beginning of the model year in question.

The implication of this statement is that amendments reducing the stringency of standards for a particular model year are not subject to the 18-month rule, but may not be made after the start of the model year. However, nothing in the language of the Act explicitly prohibits such amendments. See, e.g., 15 U.S.C. 2002(f)(1). Ford's petition was filed November 19, 1983, and amended on January 20, 1984. The agency seeks comment on whether Ford's petition with regard to the 1984 model year can be reconciled with this Conference Report language.

e. *Economic impacts.* The agency analyzed the economic impacts of retaining the existing standards, based principally upon a contingent product plan developed by Ford, which that manufacturer refers to as its "recovery plan." That plan shows actions Ford might take if it found it necessary to comply with the existing standards. Since the 1984 model year is virtually over for production purposes, and since Ford has enough credits essentially to avoid civil penalty liability for the 1984 model year, the agency assumes that Ford's recovery efforts would focus upon the 1985 model year.

Given the limited lead time remaining before the start of the 1985 model year, Ford's actions would necessarily focus on marketing efforts to increase the sales of fuel efficient vehicles and limiting the availability of the least fuel efficient ones. Ford projects that marketing actions could achieve at most a 0.4 mpg benefit, based on the extent of success of past efforts. Restrictions on large V–8 engine availability would be the most probable supplemental measure to make up for the fuel economy shortfall. Such product restrictions could be expected to shift some truck buyers to other companies which are not facing similar fuel economy compliance problems. Ford projects that this effect could reduce its sales by from 100,000 to 180,000 units, resulting in losses of from 12,000 to 23,000 jobs at Ford, its dealers and its suppliers. To the extent that potential large truck purchasers are merely shifted from company to company, rather than into more fuel efficient vehicles, implementation of the Ford recovery plan could distort consumer choice without any fuel economy benefits being achieved by the nation. To the extent such purchases are not shifted, some fuel economy benefits would accrue as a result of maintaining the existing standards.

f. *Petroleum consumption impacts.* Reducing the 1985 standards could increase U.S. petroleum consumption relative to the current standards by removing the need for Ford to implement its recovery plan. The agency projects that only Ford would reduce its average fuel economy (compared to what it would achieve under its recovery plan) if the standards for that year were reduced. The other manufacturers have stated that they expect to be able to comply with the existing 1985 standards with their planned sales mix (perhaps using credits in some cases). Thus, a lowering of the standard would not appear to provide an incentive for other companies to reduce their CAFE. Under these assumptions (and assuming that Ford's recovery plan product restrictions would not reduce the CAFE of other companies through sales shifts of Ford's less fuel efficient vehicles to other manufacturers), the maximum effect of granting Ford's request would be to reduce the gasoline savings associated with the original 1985 standards (4.5 billion gallons) by 1.1 billion gallons over the life of the 1985 light truck fleet. However, because some sales shift is likely to occur and because some consumers might retain older, less fuel-efficient trucks rather than scrapping them, some of the 1.1 billion gallons saved from maintaining the 21.0 mpg standard would be lost through increased sales of less fuel efficient GM and Chrysler vehicles and through retention of older trucks.

g. *Proposed standards.* NHTSA's analysis of Ford's petition concluded that Ford had adopted most of the technological improvements the agency projected in the original final rule, but that CAFE levels had declined due to market shifts beyond the company's control. The agency did not reach a conclusion concerning the impacts of EPA's emission regulations; NHTSA has asked EPA for its analysis of the impacts, to assist us in conducting an independent assessment of the issue. However, the agency was able to explain the differences between NHTSA's projections in the original final rule and Ford's current fuel economy projections by evaluating shifts in powertrain mix and technology. Although NHTSA is continuing to refine its analysis, the agency proposes to reduce the existing 1985 light truck fuel economy standards to the levels requested by Ford; combined standard of 19.5 mpg, a 2-wheel drive standard of 19.7 mpg, and a 4-wheel drive standard of 18.9 mpg.

With regard to Ford's petition for the 1984 model year, NHTSA is proposing to deny the requested reduction based on our view as to the applicable legal time constraints for amending standards, as discussed above. However, the agency is inviting comment on this timing issue and may reach a different conclusion for the final rule. Should comments received on this issue convince the agency to adopt a different interpretation of the timing requirements, the final rule could adopt the 1984 standards reductions sought by Ford, based on the technical and marketing analysis described herein.

Impact Analyses

I. Executive Order 12291

The agency considered the economic implications of the proposed fuel economy standards as discussed above and determined that the proposal is major within the meaning of the Executive Order 12291, and significant within the meaning of the Department's regulatory procedures. The agency's detailed analysis of the economic effects is set forth in its preliminary regulatory impacts analysis, copies of which are available free from the Docket Section. The contents of that analysis are generally described above.

II. Environmental Impacts

The agency has analyzed the potential environmental impacts of a range of light truck fuel economy standards in accordance with the requirments of the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.* Copies of that analysis are available from the Docket Section. The agency's analysis quantifies the potential adverse environmental impact which would result if the agency grants the full reduction in standards sought by Ford. The total impact on the environment is not expected to be large. The largest impact of the standards on the environment would be an increase in energy consumption. However, the potential adverse environmental impacts of reducing the standards appear at this time to be offset by the economic harm to Ford from retaining them.

III. Impacts on Small Businesses

Pursuant to the Regulatory Flexibility Act, the agency has considered the

impact this rulemaking action would have on small entities. I certify that this action would not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis will not be required for this action. No light truck manufacturer would be classified as a "small business" under the Regulatory Flexibility Act. In the case of small entities which purchase light trucks, those organizations might face a small loss in fuel savings resulting from the reduction in the standards.

The Department of Energy has provided comments on this notice, in accordance with 15 U.S.C. 2002(i), and those comments have generally been incorporated herein. Copies of those comments are available in the agency's Docket Section.

NHTSA is providing a 30-day comment period for interested parties to present data, views, and arguments on the proposed range of standards. A longer comment period is not being provided due to the imminence of the 1985 model year. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with the comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 533

Energy conservation, Gasoline, Imports, Motor vehicles.

(Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on May 24, 1984.

Barry Felrice,

Acting Associate Administrator for Rulemaking.

PART 533—LIGHT TRUCK FUEL ECONOMY STANDARDS

In consideration of the foregoing, it is proposed to amend 49 CFR Chapter V by revising Table II in § 533.5(a) to read as follows:

§ 533.5 Requirements.

(a) * * *

TABLE II

Model year	Combined standard		2-wheel drive light trucks		4-wheel drive light trucks	
	Captive imports	Others	Captive imports	Others	Captive imports	Others
1982	17.5	17.5	18.0	18.0	16.0	16.0
1983	19.0	19.0	19.5	19.5	17.5	17.5
1984	20.0	20.0	20.3	20.3	18.5	18.5
1985	19.5	19.5	19.7	19.7	18.9	18.9

[FR Doc. 84-14351 Filed 5-24-84; 11:10 am]
BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 49, No. 105
Wednesday, May 30, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Agreement Regarding Statewide Land Disposal Program in Arizona

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement (PMOA) pursuant to § 800.8 of the Council's regulations (36 CFR Part 800) with the Bureau of Land Management, Department of the Interior, Arizona State Office (BLM), and the Arizona State Historic Preservation Officer, providing for the identification, evaluation, and treatment of historic properties in connection with a statewide program of BLM land disposal actions in Arizona. Copies of the draft PMOA are available from the Council.

Comments due: June 29, 1984.

ADDERSS: Executive Director, Advisory Council on Historic Preservation Western Division of Project Review, 730 Simms Street, Room 450, Golden, Colorado 80301, Attn: Alan Downer.

Dated: May 23, 1984.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 84-14404 Filed 5-29-84; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF COMMERCE

International Trade Administration

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held June 12, 1984, at 9:30 a.m., Herbert C. Hoover Building, Room 5230, 14th Street and Constitution Avenue, NW., Washington, D.C. The meeting will continue to its conclusion on June 13, in Room 5230, Herbert C. Hoover Building. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to computer peripherals, components and related test equipment or technology.

General Session:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Foreign Availability Subcommittee Chairman's remarks.
4. Report on the Industry Coalition on Technology Transfer Subcommittee on Foreign Availability.
5. Discussion on the Foreign Availability program.
6. Focus on the arrays of know-how.
7. Progress report by the Chairman working session.
8. Session of the task group on Foreign Availability by Paul Humphrey Chairman.
9. Report on drive of membership by the chairman of the Subcommittee.
10. Report on the Status of distribution license.
11. Action items due at next meeting.
12. New Business.

Executive Session:

13. COCOM progress report.
14. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session will be open to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377-4217.

For further information or copies of the minutes contact Margaret A. Cornego, (202) 377-2583.

Dated: May 23, 1984.

Milton M. Baltas,

Director of Technical Programs Office of Export Administration.

[FR Doc. 84-14350 Filed 5-29-84; 8:45 am]

BILLING CODE 3510-DT-M

[C-357-052]

Non-Rubber Footwear From Argentina; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration Commerce.

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

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on non-rubber footwear from Argentina. The review covers the period January 1, 1982 through December 31, 1982.

As a result of the review, the Department has preliminarily determined the total bounty or grant to be zero. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 30, 1984.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Richard W. Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: .

Background

On March 16 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 9992) the final results of its last administrative review of the countervailing duty order on non-rubber footwear from Argentina (44 FR 3474, January 17, 1979) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of Argentine footwear described in Part 1A of Schedule 7 of the Tariff Schedules of the United States

Annotated, excluding items 700.5100 through 700.5400, 700.5700 through 700.7100, and 700.9000.

The review covers the period January 1, 1982 through December 31, 1982 and two programs: (1) The reembolso, a cash rebate of taxes and (2) preferential pre-export financing.

Analysis of Programs

(1) *Reembolso*

The reembolso is a cash rebate of taxes, paid upon exportation of merchandise as a percentage of the f.o.b. invoice price. Although the Government of Argentina rebates upon exportation all indirect taxes borne by the exported product, the Tariff Act and the Commerce Regulations allow the rebate of only the following: (1) Indirect taxes borne by inputs that are physically incorporated in the exported product (*see* Annex 1.1 of part 355 of the Commerce Regulations) and (2) indirect taxes levied at the final stage (*see* Annex 1.2 of part 355 of the Commerce Regulations). If the tax rebate upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and therefore a subsidy.

To calculate the net subsidy on non-rubber footwear, we allowed the rebate of indirect taxes on raw materials, which constitute the bulk of the taxes. In addition, we allowed the rebate of final stage indirect taxes, such as excise taxes. We disallowed the rebates of taxes on labor, on "indirect expenditures" such as administrative expenses, and on other items not physically incorporated.

The reembolso rate for non-rubber footwear was 10 percent from December 24, 1981 through July 4, 1982. Effective July 5, 1982, Resolution No. 8 lowered the rate to 5 percent. The Argentine government based its reembolso rate for 1982 on a 1981 government study of the tax incidence on non-rubber footwear. Based on our analysis of the study of total tax incidence, we have found that indirect taxes on physically incorporated inputs and final stage indirect taxes on non-rubber footwear amount to 11.62 percent *ad valorem*. Therefore, we preliminarily find an overrebate of indirect taxes of zero for 1982.

(2) *Preferential Pre-export Financing*

The preferential financing program makes pre-export loans, in pesos indexed to U.S. dollars, available to exporters at an interest rate of one percent. Such funds are available for a period of up to 180 days, and are to be repaid no later than 60 days after the export date. The funds are provided by the Cental Bank of Argentina and disbursed by private commercial banks to individual borrowers.

In 1982, the Central Bank limited potential loan amounts for exporters of non-rubber footwear to 60 percent of the contracted f.o.b. price. However, because exporters of non-rubber footwear from Argentina did not use this program during 1982, we preliminary determine that the preferential pre-export program did not confer a benefit during the review period.

Preliminary Results of the Review

As a result of the review, we preliminarily determine the total bounty or grant conferred to be zero for the period of review. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of zero percent of the f.o.b. invoice price on all shipments of Argentine non-rubber footwear exported on or after January 1, 1982 and on or before December 31, 1982.

As provided by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect cash deposits of estimated countervailing duties of zero percent of the entered value on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: May 17, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-14349 Filed 5-29-84; 8:45 am]

BILLING CODE 3510-DS-M

CONSUMER PRODUCT SAFETY COMMISSION

Animal Testing Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Commission publishes a statement of its policy concerning animal testing in order to inform interested persons and to encourage manufacturers of products subject to the Federal Hazardous Substances Act to adopt a similar policy, which is intended to reduce the number of animals tested to determine hazards associated with household products and to reduce any pain that might be associated with such testing.

FOR FURTHER INFORMATION CONTACT: Warren Porter, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (202) 245-1445.

Charles M. Jacobson, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6400.

SUPPLEMENTARY INFORMATION: As explained in more detail in the statement set forth below, animal testing is sometimes performed by the Commission or by manufacturers of products subject to the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261-1275, to determine hazards associated with such products. The Commission has adopted policies intended to minimize the number of animals tested and to reduce the pain associated with such tests. This notice is published in order to inform interested members of the public of the Commission's policy and to correct possible misinterpretations of the requirements of the FHSA, and the Commission's regulations under that act, that concern animal testing.

CPSC Policy on Animal Testing

The Federal Hazardous Substances Act (FHSA) 15 U.S.C. 1261-1275, is one of the laws administered by the Consumer Product Safety Commission (Commission). One of the primary functions of this law is to require appropriate cautionary labeling on

certain hazardous household products to alert consumers to the potential hazards the products may present. Among the hazards addressed by the FHSA are products that are toxic, corrosive, irritants, flammable, combustible, or strong sensitizers.

In order to determine the appropriate cautionary labeling, it is necessary to have objective criteria by which the existence of each hazard can be determined. Hazards such as flammability can be identified and measured using laboratory instruments. However, hazards such as toxicity, tissue corrosiveness, eye irritancy, and skin irritancy result from the biological response of living tissue and organs to the presence of the hazardous substance. Since public policy prohibits experimental testing of these types of substances on human beings, other means must be relied upon to make these determinations. One alternative to the inappropriate testing of humans with hazardous substances is to test animals to determine the existence of the hazards addressed by the FHSA. In fact, the FHSA defines the hazard category of "highly toxic" in terms of animal toxicity when groups of ten or more rats are exposed to specified amounts of the substance. In addition, the Commission's regulations under FHSA concerning toxicity and irritancy utilize animal tests to determine the presence of the hazard being investigated.

However, it is important to keep in mind that neither the FHSA nor the Commission's regulations require any firm to perform animal tests. The statute and its implementing regulations only require that a product be labeled to reflect the hazards associated with that product. While animal testing may be necessary in some cases, Commission policy supports limiting such tests to the lowest feasible number and taking every feasible step to eliminate or reduce the pain or discomfort that can be associated with such tests. The Commission has prepared this policy statement to state publicly its policy and procedures with respect to animal testing and to encourage the industries subject to the FHSA to follow a similar policy.

Therefore, in making the appropriate hazard determinations, the Commission, and manufactureres of products subject to the FHSA, should whenever possible utilize existing alternatives to conducting animal testing. These include prior human experience, literature sources which record prior animal testing or limited human tests, and expert opinion. The Commission resorts to animal testing only when the other information sources have been exhausted. Furthermore, the FHSA regulations, at 16 CFR 1500.4, clearly state that reliable human experience shall take precedence over different results from animal data.

When the Commission does find it necessary to do animal testing to evaluate the hazard potential of a product, it uses the most humane procedures and fewest animals possible to get reliable results.

The Health Sciences Laboratory Division is responsible for providing sound data for evaluating product labeling as prescribed in the Federal Hazardous Substances Act and regulations. In achieving these goals, while also reducing the number of animals used in testing for reasons of humane treatment and reduction of expenses, the following procedures have been implemented:

• Acute toxicity, LD_{50}, is performed as a limit test. That is, the animals (10 rats) each receive a single dose of product at 5g per kilogram of body weight. If not more than one animal dies in 14 days, the product is considered to have an LD_{50} of greater than 5g/kg, and thus to be non-toxic. Only if two or more animals die, is a second group of 10 rats tested (at a lower dose). This procedure reduces the number of animals tested from the 80 to 100 animals involved in a full LD_{50} test to, typically, 10 to 20 rats per product. This reduction in the number of animals tested is justified because an exact LD_{50} is not required by either the FHSA or the regulations. The FHSA requires only a categorical determination that the toxicity is greater than 5g/kg, between 50 mg/kg and 5g/kg, or less than 50 mg/kg.

• Eye irritancy testing is not performed if a product is know to be a primary skin irritant, because experience has shown that products which are skin irritants are also eye irritants. When animal testing is the only feasible method of determining if a substance is an eye irritant, the animals are treated with two applications of tetracaine opthalmic anesthetic, 10–15 minutes apart, prior to instilling the product to the eye, in order to reduce the pain and suffering of the animals tested. In addition, a tiered approach to testing, similar to that used for acute toxicity testing, is used to reduce the number of animals tested.

• Skin irritation testing has been modified from the original Draize test through elimination of the use of stocks for restraint during the exposure period. Currently, the animal's test sites are covered with a semi-occulsive patch and the animals are allowed free mobility and access to food and water. This has eliminated the previously encountered stress and dehydration experienced by use of stocks.

The Health Sciences Laboratory has been monitoring ongoing research on non-animal test systems for prediction of toxicity and irritancy. When such techniques are accepted by the scientific community as adjuncts or alternatives to whole-animal testing, Health Sciences will incorporate the techniques into the Commission's compliance program to the extent feasible and will recommend any changes to the Commission's statutes or regulations that may become appropriate as the result of advances in testing methods that are developed.

Dated: May 24, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 84-14374 Filed 5-29-84; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

May 18, 1984.

The USAF Scientific Advisory Board Armament Division Advisory Group will meet at Eglin AFB, FL on June 12, 1984 from 8:00 a.m. to 5:00 p.m. and on June 13, 1984 from 8:00 a.m. to 5:00 p.m. in Room 204, Building 1.

The purpose of the meeting will be to discuss classified and source selection sensitive issues relating to Federally Contracted Research Centers. The meetings concern matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

Harry C. Waters,

Alternate Air Force, Federal Register, Liaison Officer.

[FR Doc. 84-14357. Filed 5-29-84; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Board of Advisors to the President, Naval War College, Newport, Rhode Island; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is given that the Board of Advisors to the President,

Naval War College, will meet on June 14, 1984, Room 210, Conolly Hall, Naval War College, Newport, Rhode Island. The meeting will commence at 8:30 a.m. and terminate at approximately 4:30 p.m. The purpose of the meeting is to elicit the advice of the Board on educational, doctrinal, and research policies and programs of the Naval War College. The agenda will consist of a number of presentations to the Board on the curriculum of the Naval War College. This meeting is open to the public. For further information concerning the meeting contact: Ms. Elizabeth Crosby, Executive Assistant to the Dean of Academics, Naval War College, Newport, Rhode Island 02814. Telephone number (401) 841-2245.

Dated: May 24, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84-14440 Filed 5-29-84; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Panel on Environmental Support will meet on June 14 and 15, 1984 at the Commander in Chief, U.S. Atlantic Fleet Headquarters, Norfolk, Virginia. The meeting will commence at 8:30 a.m. and terminate at 4:30 p.m. on both days. The entire meeting will be closed to the public.

The purpose of the meeting is to receive various briefings relating to an assessment of the Navy's environmental support in the design, development, test, operational planning, and employment of naval systems. These matters constitute classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696-4870.

Dated: May 24, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve Federal Register Liaison Officer.

[FR Doc. 84-14441 Filed 5-29-84; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Panel on Ship Decoy Systems will meet on June 22, 1984 at HRA, Inc, 1701 No. Ft Myer Drive, Suite 1105, Arlington, Virginia. The meeting will commence at 9:30 a.m. and terminate at 4:30 p.m. on June 22, 1984. The entire meeting will be closed to the public.

The purpose of the meeting is to review material received at various briefings relating to the ship decoy systems program, its test plans, and trainable versus fixed launchers. These matters constitute classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably interwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696-4870.

Dated: May 24, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Office.

[FR Doc. 84-14442 Filed 5-29-84; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

National Institute of Education

Regional Educational Laboratories and Research and Development Centers Program

AGENCY: Department of Education.

ACTION: Application Notice for the transmittal of applications for a Midwest Regional Educational Laboratory.

The Secretary of Education (the Secretary) announces a grant competition, under the Regional Educational Laboratories and Research and Development Centers Program, for a single award to establish a new regional educational laboratory in the Central Midwest. The Secretary published proposed regulations for this program in the Federal Register on March 26, 1984 (49 FR 11600). Authority for this progam is contained in section 405(f) of the General Education Provisions Act (GEPA), as amended (20 U.S.C. 1221e(f)).

Closing Date for the Transmittal of Applications

An application for a grant must be mailed or hand delivered by July 16, 1984.

Applications Delivered by Mail

An application sent by mail must be addressed to the National Institute of Education, Proposal Clearinghouse, Room 619, Brown Building, 1200 19th Street, NW., Washington, D.C. 20208.

An applicant must show one of the following as proof of mailing:

(a) A legibly dated U.S. Postal Service postmark.

(b) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(c) A dated shipping label, invoice, or receipt from a commercial carrier.

(d) Any proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept the following as proof of mailing:

(1) A private metered postmark.

(2) A mailing receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not always 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 delivered by hand must be taken to the National Institute of Education, Proposal Clearinghouse, Room 619, Brown Building, 1200 19th Street, NW., Washington, D.C.

The Proposal Clearinghouse will accept an application delivered by hand between 8:00 a.m. and 4:00 p.m. (Washington, D.C. time), daily except Saturdays, Sundays, and Federal holidays. An application that is hand delivered will not be accepted after 4:00 p.m. on July 16, 1984.

Program Information

The National Institute of Education (NIE) currently supports seven (7) regional educational laboratories, in accordance with section 405(f) of GEPA. The exisiting laboratories are the remaining organizations of a nationwide network of twenty laboratories established by the U.S. Office of Education in the mid-1960s.

The current awards for the existing laboratories are scheduled to expire during 1985. Through committee report language, the Congress has recently indicated its desire that NIE conduct an open competition for future laboratory awards. See the Conference Report accompanying the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 (H.R. Rep. No. 208, 97th Cong., 1st Sess. at pp. 729–730 (1981)) and the Senate Report accompanying the Urgent Supplemental Appropriations Act of 1982, Pub. L. 97–216 (S. Rep. No. 402, 97th Cong., 2d Sess. at p. 58 (1982)). This will be the first open competition for a new laboratory award since the regional educational laboratories were established almost twenty years ago.

Regional educational laboratories are intended to improve education by helping to meet educational research and development needs in specified regions of the country.

As described in proposed § 707.11, the new laboratory will be required to serve a designated geographic region. The Preamble to the proposed regulations presented three alternatives for geographic regions and requested public comment on these as well as other appropriate designations of laboratory regions. As a result of the public comment received, the Secretary anticipates that the designated service region for the new laboratory to be funded under this competition will include the following States: Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin.

The composition of the service region is described at this time for the convenience of the applicants and does not constitute a final rule. The final composition of the geographic region to be served by the new Midwest laboratory will be designated in the final regulations for this program. If the region described above is changed in the final regulations, applicants will be given an opportunity to revise or resubmit their applications.

In keeping with the intent of the authorizing legislation for regional educational laboratories and research and development centers, the laboratory is expected to respond to regional needs. In this context, the laboratory is encouraged to consider the needs for research and assistance identified by State-level decision makers such as Chief State School Officers, State boards of education, and legislators, in addition to responding to the needs identified by parents, community representatives, and local public and private educators.

The Secretary strongly encourages, but does not require, the new laboratory to provide services primarily through a variety of existing or new organizations in the designated region that have or will have direct service relationships with schools—for example, State departments of education, intermediate units, school study councils, State associations of teachers and administrators, colleges and universities, parent training groups, and networks of cooperating schools or districts.

Furthermore, the Secretary strongly encourages, but does not require, applicants to propose projects and activities that, for the most part, address the general priority of school and classroom improvement. This general priority could include the following: improvement of teaching, learning, and instructional processes at the elementary and secondary levels; improvement of the organization and management of schools; and dissemination and improvement processes in education.

Eligible Applicants

Public agencies and private nonprofit organizations may apply for a Midwest Regional Educational Laboratory grant for institutional operations under this competition. A consortium of eligible agencies and organizations may also apply, but a single public agency or private nonprofit organization must be designated as the recipient of the award, in accordance with the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.129.

Post-Award Requirements

Only the applicant receiving the grant must meet the five specific post-award requirements described in proposed § 707.41. Nevertheless, all applications will be evaluataed in part on the basis of plans for meeting these requirements.

However, as a result of public comments received in response to proposed § 707.41, the Secretary is now considering changes in two of the post-award requirements. One change under consideration is to delete the requirement that the grantee be incorporated as a nonprofit organization (proposed § 707.41(a)). The second change is to delete the requirement for a board of directors "that is subject to no higher governing board and that represents the varied educational constituencies of the region" (proposed § 707.41(b)). In its place, the Secretary is considering a requirement for a governing board that: (a) Is directly accountable to NIE for insuring that the laboratory satisfies the terms and conditions of the award, and (b) reflects a balanced representation of the States in the region, as well as the interests and concerns of regional constituencies.

These two changes are described at this time for the convenience of the applicants and do not constitute final rules. If any substantive changes are made in the final regulations for this program, other than the two described above, applicants will be given an opportunity to revise or resubmit their applications.

Selection Criteria

(a) In evaluating applications, the Secretary will use the selection criteria contained in the proposed regulations (proposed 34 CFR Part 707). The major headings for these criteria are given below with appropriate section references to the full text. The maximum number of possible points for all the selection criteria is 100; the maximum number of possible points for each criterion is as follows:

(1) *Understanding of and responsiveness to regional needs.* (10 points) (proposed §707.32(a))

(2) *Strength of relationship with the region.* (15 points) (proposed § 707.32(b))

(3) *Institutional capacity.* (15 points) (proposed § 707.32(c))

(4) *Plan of operation.* (25 points) (proposed § 707.32(d))

(5) *Quality of key personnel.* (20 points) (proposed § 707.32(e))

(6) *Budget and cost effectiveness.* (5 points) (proposed § 707.32(f))

(7) *Evaluation plan.* (5 points) (proposed § 707.32(g))

(8) *Adequacy of resources.* (5 points) (proposed § 707.32(h))

Note.—The point totals above reflect the Secretary's distribution of 15 reserved points in accordance with the proposed regulations (proposed § 706.31). The Secretary has distributed these additonal points as follows:

(4) *Plan of operation.* 5 points were added for a possible total of 25 points.

(5) *Quality of key personnel.* 5 points were added for a possible total of 20 points.

(6) *Budget and cost effectiveness.* 5 points were added for a possible total of 5 points.

(b) The Secretary uses the procedures contained in the proposed regulations to select applications for funding.

Length of Award

The award resulting from this competition will be for a period of 5 years in duration to begin in September 1984. Each budget period of the 5-year award will be for 12 months.

Available Funds

The Secretary urges applicants to limit the total amount of assistance requested for the 5-year period to no more than $7,400,000. In addition, applicants are urged to limit requests for assistance for start-up activities during the first year to $700,000, and to plan their budgets for subsequent years so as to reach a maximum annual level of approximately $2,000,000 no earlier than the fourth year. Only one grant for the operation of a Midwest Regional Educational Laboratory will be made.

These estimates assume that applications of satisfactory quality will be received. Moreover, these estimates do not bind the Department of Education to the stated amounts of a grant unless those amounts are otherwise specified by statute or regulations.

Application Forms

Grant information packages, including application forms, may be obtained by contacting Dr. Joseph Dominic, Midwest Laboratory Competition, National Institute of Education, 1200 19th Street, NW., Washington, D.C. 20208. Telephone: (202) 254–7180.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the grant information package. However, the grant information package is intended only to aid applicants in applying for assistance. Nothing in the grant information package is intended to impose any requirement with respect to paperwork, the content of applications, reporting, or grantee performance beyond those imposed under the statute and regulations.

The Secretary strongly urges that the technical or narrative portion of the application not exceed 200 pages in length and that the total application not exceed 250 pages in length.

In order to acquaint prospective applicants with the nature of the application process and to answer questions regarding the application notice and the grant information package, an information conference will be held June 7, 1984, 1:00 p.m. to 4:00 p.m., at the National Institute of Education, Room 832, 1200 19th Street, N.W., Washington, D.C. For more information, contact Raymond F. Wormwood. Telephone: (202) 254–5080. (Approved OMB Number 1850–0546, Expiration Date 10/84.)

Applicable Regulations

Regulations applicable to this program include the following:

(a) Regulations governing laboratory awards under the Regional Educational Laboratories and Research and Development Centers Program that are proposed to be codified in 34 CFR Parts 706 and 707. Applications are being accepted based on the notice of proposed rulemaking for the Regional Educational Laboratories and Research and Development Centers Program, which was published on March 26, 1984 (49 FR 11600). If any other substantive changes are made in the final regulations for this program, applicants will be given an opportunity to revise or resubmit their applications.

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

FOR FURTHER INFORMATION CONTACT: Dr. Joseph Dominic, Midwest Laboratory Competition, National Institute of Education, Room 645–f, 1200 19th Street, NW., Washington, D.C. 20208. Telephone: (202) 254–7180.

(Sec. 405(f) of the General Education Provisions Act, 20 U.S.C. 1221e(f))

(Catalog of Federal Domestic Assistance Number 84.117, Educational Research and Development)

Dated: May 23, 1984.

T. H. Bell,

Secretary of Education.

[FR Doc. 84-14318 Filed 5-29-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of the Secretary

Office of Civilian Radioactive Waste Management; Briefing on Draft Mission Plan; Meeting

June 1, 1984.

Notice is hereby given that the Office of Civilian Radioactive Waste Management is providing a briefing for States containing potentially acceptable sites and for affected Indian tribes on the subject of the April 1984 draft Mission Plan for the Civilian Radioactive Waste Management Program. Briefings will also be given on the revised Siting Guidelines sent to the Nuclear Regulatory Commission for concurrence on May 14, 1984, and on the status of the Environmenal Assessments required by section 112(b)(1)(E) of the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425). The briefings will be held on June 1, 1984, at the U.S. Department of Energy, 1000 Independence Avenue, S.W., Forrestal Building, Washington, D.C. 20585, in Room 1E–245 from 9:00 a.m. through 3:00 p.m.

The tentative agenda for the briefing is:

1. Opening Remarks and Mission Plan Overview.
2. Geologic Repository Deployment, Volumes I and II of the Mission Plan.
3. Transportation and Storage (MRS, FIS), Mission Plan.
4. Waste Fund and Related Activities, Mission Plan.
5. Siting Guidelines.
6. Environmental Assessments, Status and Plans.

For further information, contract Ginger King at (202) 252–6842.

Issued at Washington, D.C., on May 25, 1984.

Robert M. Rosselli,

Acting Associate Director, Office of Management.

[FR Doc. 84-14483 Filed 5-29-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-240044; PH-FRL 2594-5]

State Registration of Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and

Rodenticide Act (FIFRA) from 13 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the Federal Register.

DATE: The last entry for each item is the date the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT: By mail: Sandra English, 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. 718, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703–557–2126).

SUPPLEMENTARY INFORMATION: Most of the registrations listed below were received by EPA in December 1983. Receipts of State registrations will be published periodically. Except as indicated by (CUP) in 22 registrations listed below, there is no change in use pattern in any of these registrations.

California

EPA SLN No. CA 83 0086. California Seed Assn. Registration is for Poast herbicide to be used on onions grown for seed to control johnsongrass, ryegrass, and watergrass. (CUP) December 19, 1983.

EPA SLN No. CA 83 0087. California Seed Assn. Registration is for Poast Herbicide to be used on cucurbits grown for seed to control johnsongrass, ryegrass, and watergrass. (CUP) December 19, 1983.

EPA SLN No. CA 83 0088. Yolo County Agriculture Dept. Registration is for Di-Syston 8 EC to be used on asparagus to control aphids and thrips. (CUP) December 27, 1983.

EPA SLN No. CA 83 0089. Imperial County Agricultural Dept. Registration is for Goal 1.6 E Herbicide to be used on onions (dry bulb) to control *malva parvilflora, senecio vulgaris,* and *sonchus oleraceus.* (CUP) December 8, 1983.

EPA SLN No. CA 83 0090. Kings County Dept. of Agriculture. Registration is for Weedar 64 to be used on established alfalfa (grown for seed) to control broadleafed weeds. (CUP) December 23, 1983.

EPA SLN No. CA 83 0091. Agriculture Commissioner of Orange Co. Registration is for Carbon Bisulfide Rodent Fumigant to be used on burrows to control squirrels and muskrats. (CUP) December 12, 1983.

EPA SLN No. CA 83 0092. Fresno County Agriculture Dept. Registration is for Horned Lark Bait Strychnine Treated Grain (.65%) to be used on treated grain to control horned larks. (CUP) December 12, 1983.

Florida

EPA SLN No. FL 83 0030. Helena Chemical Co. Registration is for Helena 2,4–D LV Ester to be used on pineapple oranges, seedling oranges, temple oranges, and seedless grapefruit for preharvest fruit drop control. (CUP) December 2, 1983.

Idaho

EPA SLN No. ID 83 0034. Mobay Chemical Corp. Registration is for Di-Syston 8 to be used on potatoes (sprinkler irrigated only) to control aphids. January 5, 1984.

EPA SLN No. ID 83 0035. Mobay Chemical Corp. Registration is for DI-Syston 15 percent Granular to be used on pototoes (sprinkler irrigated only) to control aphids. January 5, 1984.

Minnesota

EPA SLN No. MN 83 0013. FMC Corp. Registration is for Furadan 4 Flowable to be used on strawberries to control root weevils. (CUP) December 29, 1983.

New Mexico

EPA SLN No. NM 83 0017. Degesch America, Inc. Registration is for Degesch Phostoxin New Coated Tablets-R to be used on outdoor cropland to control gunnison and black-tailed prairie dogs. (CUP) December 13, 1983.

Ohio

EPA SLN No. OH 83 0011. Velsicol Chemical Corp. Registration is for Banvel Herbicide to be used on pasture and rangeland and along drainage ditch banks to control multiflora rose. November 22, 1983.

Oklahoma

EPA SLN No. OK 83 0032. Pfizer, Inc. Registration is for Floguard 1000 to be used on oil fields to control bacteria. (CUP) December 7, 1983.

Oregon

EPA SLN No. OR 83 0019. Dow Chemical Co. Registration is for Telone II Soil Fumigant to be used on white potatoes to control columbia root knot nematodes. (CUP) December 27, 1983.

EPA SLN No. OR 83 0020. Dow Chemical Co. Registration is for Telone C–17 Soil Fungicide to be used on white potatoes to control columbia root knot nematodes. (CUP) December 27, 1983.

EPA SLN No. OR 83 0065. Zoecon Corp. Registration is for Mavrik Aquaflow to be used on ornamental crops and plantings to control strawberry root weevils, obscure root weevils, and black vine root weevils. (CUP) December 8, 1983.

EPA SLN No. OR 83 0066. PBI Gorden Corp. Registration is for Fydulan G to be used on cranberry bogs to control dogwood, seashore saltgrass, sheep sorrel, and silverleaf weeds.

EPA SLN No. OR 83 0067. Dow Chemical Co. Registration is for Plictran 50W to be used on carrots grown only for planting seed to control mites. (CUP) December 22, 1983.

Tennessee

EPA SLN No. TN 83 0027. Degesch America, Inc. Registration for Degesch Magtoxin Pellet-Prepac to be used on bins, silos, holding tanks, food and feed processing equipment, conveyers and related equipment to control confused flour beetles and red flour bettles. (CUP) December 12, 1983.

Texas

EPA SLN No. TX 83 0037. Degesch America, Inc. Registration is for Degesch Phostoxin New Coated Tablets-R to be used on stored commodities, specified processed foods, and animal feed to control insects, granary and rice weevils, saw-toothed grain bettles, flat grain bettles, rusty grain bettles, lesser grain borers, etc. (CUP) December 1, 1983.

EPA SLN No. TX 83 0038. Petrolite Corp. Registration is for X-Cide 137 Industrial Bactericide to be used on waters associated with petroleum production to control bacteria (CUP) December 19, 1983.

EPA SLN No. TX 83 0039. Platte Chemical Co. Registration is for Clean Crop Malathion to be used on citrus to control Mexican fruit flies. (CUP) December 19, 1983.

EPA SLN No. TX 83 0040. Mobay Chemical Corp. Registration is for Bayleton 50 percent Wettable Power to be used on perennial ryegrass and Kentucky bluegrass to control rusts (puccinia species) and on pine seed (nurseries) to control fusiform rust *cronartium quercuum.* December 19, 1983.

EPA SLN No. TX 83 0041. Hopkins Agricultural Chemical Co. Registration is for Cythion "The Premium Grade Malathion" to be used on citrus (oranges, lemons, grapefruits, limes, tangelos, tangerines, kumquats, and ornamental citrus) to control Mexican fruit flies and other subtropical fruit flies. (CUP) December 23, 1983.

Utah

EPA SLN No. UT 83 0015. Petrolite Corp. Registration is for X-CIDE 137 Industrial Bactericide to be used in industrial processes only to control bacteria. (CUP) December 27, 1983.

Virginia

EPA SLN No. VA 83 0019. The Archem Corp. Registration is for Parapel Paraffinized Pellets to be used on orchards to control pine and meadow voles. (CUP) December 3, 1983.

Washington

EPA SLN No. WA 83 0039. Chempar Products Division. Registration is for Maki Paraffinized Pellets for the Control of Orchard Mice to be used on orchards of pome fruits (apples and pears) and stone fruits (peaches, apricots, cherries, prunes, plumbs) to control orchard mice (*microtus* sp.) in eastern Washington. (CUP) December 21, 1983.

Dated: May 17, 1984.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84-14186 Filed 5-29-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-240045; PH-FRL# 2594-6]

State Registration of Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 17 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the **Federal Register**.

DATE: The last entry for each item is the date the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT: By mail:

Sandra English, 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. 718, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2126).

SUPPLEMENTARY INFORMATION: Most of the registrations listed below were received by EPA in January 1984. Receipts of State registrations will be published periodically. There are 37 change in use patterns (CUP) in these registrations.

Arkansas

EPA SLN No. AR 84 0001. Mobay Chemical Corp. Registration is for Sencor 50% Wettable Powder to be used on wheat to control annual grass and broadleaf weeds. (CUP) January 25, 1984.

EPA SLN No. AR 84 0002. Mobay Chemical Corp. Registration is for Sencor DF 75% Dry Flowable to be used on wheat to control annual grass and broadleaf weeds. (CUP) January 25, 1984.

EPA SLN No. AR 84 0003. Mobay Chemical Corp. Registration is for Sencor 4 Flowable to be used on wheat to control annual grass and broadleaf weeds. (CUP) January 25, 1984.

EPA SLN No. AR 84 0004. Platte Chemical Corp. Registration is for Clean Crop Dinitro 3 Herbicide to be used on cotton and soybeans to control postemergence and late postemergence weeds. (CUP) January 25, 1984.

EPA SLN No. AR 84 0005. Petrolite Corp. Registration is for X-Cide 137 Industrial Bactericide to be used in oil well drilling to control bacteria. (CUP) January 25, 1984.

California

EPA SLN No. CA 84 0001. Glenn County Agriculture Dept. Registration is for Sevin 5 Bait to be used on melons and squash grown for seed to control grasshoppers. (CUP) January 9, 1984.

EPA SLN No. CA 84 0002. Kern County Agriculture Dept. Registration is for Ornalin Contact Fungicide to be used on roses (bareroot nursery stock and budwood, in storage) to control botrytis. (CUP) January 3, 1984.

EPA SLN No. CA 84 0003. Glenn County Agriculture Dept. Registration is for Surflan 75W Ornamentals to be used on roses to control annual grasses and broadleafed weeds. (CUP) January 16, 1984.

EPA SLN No. AR 84 0004. Imperial County Agriculture Dept. Registration is for Treflan Pro-5 to be used on radishes grown for seed to be used on annual grasses and broadleafed weeds. (CUP) January 16, 1984.

EPA SLN No. CA 84 0005. Glenn County Agriculture Dept. Registration is for Poast Herbicide to be used on ladino clover grown for seed to control watergrass, barnyard grass, and ryegrass. (CUP) January 23, 1984.

EPA SLN No. CA 84 0006.Washburn and Sons. Registration is for Sodium Cyanide to be used on citrus to control surface pests. (CUP) January 24, 1984.

Delaware

EPA SLN No. DE 84 0002. Stauffer Chemical Co. Registration is for EPtam 10-G to be used on highway right-of-ways as a grass growth retardant. (CUP) January 30, 1984.

Florida

EPA SLN No. FL 84 0001. Chevron Chemical Co. Registration is for Ortho Paraquat Plus to be used on strawberries to control annual broadleaf weeds and grasses. (CUP) January 12, 1984.

EPA SLN No. FL 84 0002. The Land, Epcot Center. Registration is for Vendex 4L to be used on crops grown in The Land, Epcot Center, Buena Vista, FL, to control insects. (CUP) January 23, 1984.

Illinois

EPA SLN No. IL 84 0001. Exxon Chemical. Registration is for Corexit 7682 to be used in oil-enhanced recovery systems to control aerobic and anaerobic bacteria. (CUP) January 25, 1984.

Indiana

EPA SLN No. IN 84 0001. Vulcan Materials Co. Registration is for Vulcan Formula 72 (FC-1) Grain Fumigant to be used on museum biological specimens not on public display to control Dermestid beetles. (CUP) January 20, 1984.

EPA SLN No. IN 84 0002. Petrolite Corp. Registration is for X-Cide 137 Industrial Bactericide to be used on waters associated with petroleum production to control bacteria. (CUP) January 31, 1984.

Montana

EPA SLN No. MT 84 0001. Monsanto Co. Registration is for Far-Go to be used on durum and spring wheat to control wild oats. (CUP) January 31, 1984.

New Jersey

EPA SLN No. NJ 84 0001. Fairfield American Corp. Registration is for Rotenone (0.3825) to be used on potatoes to control Colorado potato beetles. (CUP) January 17, 1984.

New Mexico

EPA SLN No. NM 84 0001. Petrolite Corp. Registration is for X-Cide 137 Industrial Bactericide to be used on water that collects in tank bottoms, water for water-flooding operations, and in gas transmission and storage systems

to control bacteria. (CUP) January 25, 1984.

Nevada

EPA SLN No. NV 84 0001. Chempar Chemical Co. Registration is for Rozol Paraffinized Pellets for the Control of Orchard Mice to be used on orchards and nonagricultural sites to control meadow voles. (CUP) February 13, 1984.

Oklahoma

EPA SLN No. OK 84 0001. Petrolite Corp. Registration is for X-Cide 137 Industrial Bactericide to be used on waters associated with petroleum production to control bacteria. (CUP) January 4, 1984.

Oregon

EPA SLN No. OR 84 0001. Orco, Inc. Registration is for Orco Gopher Grain Bait to be used on forest, nursery, and grass seed crops to control gophers and filed mice. (CUP) January 4, 1984.

EPA SLN No. OR 84 0002. Orco, Inc. Registration is for Field Mouse Plus to be used on outdoor areas to control voles, mice, and rats. (CUP) January 4, 1984.

EPA SLN No. OR 84 0003. Platte Chemical Co. Registration is for Clean Crop Dinitro 5 Herbicide to be used on alfalfa, trefoil, and clover grown for seed only to control preharvest desiccation. (CUP) January 4, 1984.

EPA SLN No. OR 84 0004. Platte Chemical Co. Registration is for Clean Crop Dinitro 3 Herbicide to be used on conifer plantation establishments to control brush desiccation. (CUP) January 5, 1984.

EPA SLN No. OR 84 0005. Chevron Chemical Co. Registration is for Ortho Paraquat Plus to be used on dormant mint to control broadleaf weeds and grasses. (CUP) January 10, 1984.

EPA SLN No. OR 84 0006. Platte Chemical Co. Registration is for Clean Crop Pyrifos 2.3G to be used on lawns and ornamental turf areas to control European crane fly larvae. (CUP) January 23, 1984.

Pennsylvania

EPA SLN No. PA 84 0001. Union Carbide Agricultural Products Co., Inc. Registration is for Amiben DS Chloramben Herbicide to be used on snapbeans to control annual grass and annual broadleaf weeds. (CUP) January 19, 1984.

EPA SLN No. PA 84 0002. Petrolite Corp. Registration is for X-Cide 137 Industrial Bactericide for use in oil field production to control bacteria. (CUP) January 31, 1984.

South Carolina

EPA SLN No. SC 84 0001. Penwalt Corp. Registration is for Agclor to be used on peaches to control organisms causing decay. (CUP) January 30, 1984.

Washington

EPA SLN No. WA 84 0001. The Charles H. Lilly Co. Registration is for Lilly/Miller Lawn Insect Spray to be used on broccoli, brussels sprouts, cabbage, and cauliflower to control root maggots. (CUP) January 26, 1984.

EPA SLN No. WA 84 0012. Mobay Chemical Corp. Registration is for Di-Syston 8 to be used on potatoes to control aphids. (CUP) January 26, 1984.

EPA SLN No. WA 84 0013. Mobay Chemical Corp. Registration is for Di-Syston 15% Granular to be used on potatoes to control aphids. (CUP) January 26, 1984.

EPA SLN No. WA 84 0016. The Upjohn Co. Registration is for Proxol 80 SP Insecticide to be used lawns and fine turf to control European crane fly larvae. (CUP) January 30, 1984.

West Virginia

EPA SLN No. WV 84 0001. Petrolite Corp. Registration is for X-Cide 137 Industrial Bactericide to be used on waters associated with petroleum production to control bacteria. (CUP) January 5, 1984.

Wyoming

EPA SLN No. WY 84 0002. Petrolite Corp. Registration is for X-Cide 137 Industrial Bactericide to be used on waters associated with petroleum production to control bacteria. (CUP) January 13, 1984.

Dated: May 16, 1984.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84-14185 Filed 5-29-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-240047; PH-FRL 2594-7]

State Registration of Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 15 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the **Federal Register.**

DATE: The last entry for each item is the date of the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT:

Sandra English, 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. 718, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-2126).

SUPPLEMENTARY INFORMATION: Most of the registrations listed below were received by EPA in February 1984. Receipts of State registrations will be published periodically. There are 22 change in use patterns (CUP) in these registrations.

Arizona

EPA SLN No. AZ 84 0001. Ciba-Geigy Corp. Registration is for Caparol 80W Herbicide to be used on furrow-irrigated cotton only to control weeds. (CUP) February 24, 1984.

EPA SLN No. AZ 84 0002. Ciba-Geigy Corp. Registration is for Caparol 4L to be used on furrow-irrigated cotton only to control weeds. (CUP) February 24, 1984.

Arkansas

EPA SLN No. AZ 84 0006. Great Lakes Chemical Corp. Registration is for Meth-O-Gas 100 to be used on blueberries to control blueberry fruit fly, plum curculio, Japanese beetle, and leafrollers. (CUP) February 24, 1984.

Idaho

EPA SLN No. ID 84 0001. Monsanto Co. Registration is for Far-Go to be used on spring wheat planted with double disk press drill. (CUP) February 15, 1984.

EPA SLN No. ID 84 0002. Monsanto Co. Registration is for Granular Far-Go to be used on spring wheat planted with double disk press drill. (CUP) February 15, 1984.

Illinois

EPA SLN No. IL 84 0002. Pfizer, Inc. Registration is for Floguard 1015 to be used on oil-enhanced recovery systems to control bacteria. (CUP) February 9, 1984.

Louisiana

EPA SLN No. LA 84 0001. Petrolite Corp. Registration is for X-Cide 137 Industrial Bactericide to be used on

waters associated with petroleum production to control bacteria. (CUP) February 10, 1984.

EPA SLN No. LA 84 0002. Mobay Chemical Corp. Registration is for Bayleton 50% Wettable Powder to be used on pine seed (nurseries) to control fusiform rust (*cronartium quercuum*). (CUP) February 10, 1984.

EPA SLN No. LA 84 0003. Degesch America, Inc. Registration is for Degesch Magtoxin Pellets-Prepac to be used on bins, silos, holding tanks, food and feed processing equipment, conveyers, and related equipment to control confused flour beetles and red flour beetles. (CUP) February 10, 1984.

Mississippi

EPA SLN No. MS 84 0001. Pro-Serve, Inc. Registration is for Pronone 5G to be used on newly planted pine plantations and noncrop land sites to control herbaceous weeds. (CUP) February 7, 1984.

EPA SLN No. MS 84 0002. Ciba-Geigy Corp. Registration is for Cotoran 80W to be used on cotton to control broadleaf weeds, cocklebur, lambsquarters, morningglory, pigweed, prickly sida, common ragweed, sesbania, sicklepor, and smartweed. (CUP) February 21, 1984.

Missouri

EPA SLN No. MO 84 0001. Union Carbide Agricultural Products Co., Inc. Registration is for Temik 10G Aldicarb Pesticide to be used on commercially grown ornamental plants to control mites and nematodes. (CUP) February 24, 1984.

EPA SLN No. MO 0002. Mobay Chemical Corp. Registration is for Baytex Liquid Concentrate to be used on air and ground equipment to control adult mosquitoes. (CUP) February 24, 1984.

Nebraska

EPA SLN No. NE 84 0001. Chevron Chemical Co. Registration is for Orthene 75S Soluble Powder to be used on field borders, fence rows, roadsides, ditch banks, and borrow pits to control grasshoppers. (CUP) February 15, 1984.

EPA SLN No. NE 84 0002. Petrolite Corp. Registration is for X-Cide 137 Industrial Bactericide to be used on waters associated with petroleum production to control bacteria. (CUP) February 15, 1984.

Nevada

EPA SLN No. NV 84 0002. The Charles H. Lilly Co. Registration is for Lilly/Miller Chlorban Insect Granules to be used on broccoli, brussels sprouts, cabbage, cauliflower, rutabagas, Chinese cabbage, and turnips to control root maggots. (CUP) February 21, 1984.

North Carolina

EPA SLN No. NC 84 0001. Degesch America, Inc. Registration is for Degesch Magtoxin Pellet-Prepac to be used on bins, silos, holding tanks, food and feed processing equipment, conveyers, and related equipment to control confused flour bettles and red flour bettles. February 6, 1984.

Oklahoma

EPA SLN No. OK 84 0002. Pfizer, Inc. Registration is for Floguard 1015 to be used in oil recovery and as an industrial microbiocide to control bacteria. (CUP) February 12, 1984.

Tennessee

EPA SLN No. TN 84 0001. Drexel Chemical Co. Registration is for Drexel Ancrack to be used on soybeans to control cocklebur, jimsonweed, mustard, black bindweed (wild buckwheat), field bindweed, hedge bindweed, annual morningglory, ivy leaf morningglory, and wild sunflower. (CUP) February 24, 1984.

Texas

EPA SLN No. TX 84 0001. Mobay Chemical Corp. Registration is for Furadan 15G to be used on sugarbeets to control beet leafhoppers and curley top virus. February 2, 1984.

Vermont

EPA SLN No. VT 84 0001. FMC Corp. Registration is for Carbamate Fungicide to be used on raspberries to control spur blight. (CUP) February 14, 1984.

Washington

EPA SLN No. WA 84 0014. Bill Allstot. Registration is Whitestone Lime Sulfur to be used on apples to control blister mite, rust mite, European red mite, and San Jose scale. (CUP) February 21, 1984.

EPA SLN No. WA 84 0015. Chevron Chemical Co. Registration is for Ortho Paraquat + Plus to be used on dormant mint to control weeds. (CUP) February 8, 1984.

EPA SLN No. WA 84 0017. Rhone-Poulenc, Inc. Registration is for Mocap 10% Granular to be used on potatoes to control Columbia root-knot nematodes. (CUP) February 22, 1984.

EPA SLN No. WA 84 0018. Rhone-Poulenc, Inc. Registration is for Mocap EC to be used on potatoes to control Columbia root-knot nematodes. (CUP) February 21, 1984.

Dated: May 16, 1984.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84-14184 Filed 5-29-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing; Thomas William Hickman, III, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM Docket No.
A. Thomas William Hickman, III; Petal, MS.	BPH-820316AJ	84-492
B. Bennie L. Blackledge, III; Petal, MS.	BPH-820526AC	84-493
C. Petal Broadcasting Company, Inc.; Petal, MS.	BPH-820805AF	84-494
D. Petal-Hattisburg Radio (Partnership), Sheryl Deloris (Johnson) Washington, et al. Petal, MS.	BPH-820826AD*	

*Application dismissed in Hearing Designation Order.

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, A, B, C
2. Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919

M Street, N.W., Washington, D.C. 20554. Telephone (202) 632–6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84–14345 Filed 5–29–84; 8:45 am]

BILLING CODE 6712–01–M

[MML Docket No. 84–479; File No. BP–810225AC, et al.]

El Sol Broadcasting, Inc., et al.; Hearing Designation Order

In re applications of El Sol Broadcasting, Inc., Milwaukee, Wisconsin, Req: 1030 kHz, 2.5 kW, DA–D, MM Docket No. 84–479, File No. BP–810225AC; Midwest Broadcasting Associates, Ltd., Vernon Hills, Illinois, Req: 1030 kHz, 500 W, DA–D, MM Docket No. 84–480, File No. BP–820712AF; Land O'Lakes Broadcasting Corporation, WTRJ(AM), Troy, Ohio, Has: 1510 kHz, 0.25 kW, DA–D, Req: 1030 kHz, 2.5 kW, D, MM Docket No. 84–481, File No. BP–820720AK; Juarez Communications Corporation, Sterling Heights, Michigan, Req: 1030 kHz, 5 kW, DA–D, MM Docket No. 84–482, File No. BP–820721AK; Radio Harlan, Inc, WHLN(AM), Harlan, Kentucky, Has: 1410 kHz, 5 kW, D, Req: 1030 kHz, 10 kW (5 kW–Ch), D, MM Docket No. 84–483, File No. BP–820804AH; WPTW Radio, Inc., WPTW(AM), Piqua, Ohio, Has: 1570 kHz, 0.25 kW, D, Req: 1030 kHz, 1 kW, D, MM Docket No. 84–484, File No. BP–821014AA; Mid-Florida Television Corporation, WKFI(AM), Wilmington, Ohio, Has: 1090 kHz, 1 kW, DA–D, Req: 1030 kHz, 2.5 kW, D, MM Docket No. 84–485, File No. BP–821122AB; Ralph V. DeStefano and Johanna S. DeStefano, Joint Venturers, Worthington, Ohio, Req: 1030 kHz, 2.5 kW, D, MM Docket No. 84–486, File No. BP–821122AC; Vernon H. Baker d.b.a. Point Pleasant Broadcasting Company, Point Pleasant, West Virginia, Req: 1030 kHz, 10 kW (2.5 kW–CH), DA–D, MM Docket No. 84–487, File No. BP–821122AD; Radio One, Inc., Pleasure Ridge Park, Kentucky, Req: 1030 kHz, 1 kW, D, MM Docket No. 84–488, File No. BP–821122AE; Edward A. Baker d.b.a. Union City Radio, Union City, Indiana, Req: 1030 kHz, 2.5 kW (1 kW–CH), DA–D, MM Docket No. 84–489, File No. BP–821122AG; for construction permit.

Adopted: May 14, 1984.

Released: May 24, 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 El Sol Broadcasting, Inc. (El Sol), Midwest Broadcast Associates, Ltd. (MBA), Land O'Lakes Broadcasting Corporation (Land O' Lakes), Juarez Communications Corporation (Juarez), Radio Harlan, Inc. (Harlan), WPTW Radio, Inc. (WPTW), Mid-Florida Television Corporation (Mid-Florida), Ralph V. DeStefano and Johanna S. DeStefano, Joint Venturers (DeStefano), Vernon H. Baker d.b.a. Point Pleasant Broadcasting Company (Point Pleasant), Radio One, Inc. (Radio One), and Edward A. Baker d.b.a. Union City Radio (Union City).

2. **El Sol.** A motion to return application to the head of the processing line and to assign a new file number was filed on August 2, 1983 by MBA against the proposed operation of El Sol.[1]

3. El Sol filed an amendment on October 28, 1982 to reduce power to 2.5 kilowatts, change transmitter site, and alter its directional antenna. MBA states that in the process El Sol has increased interference to MBA's pending application. Consequently, MBA contends that the El Sol application should be returned to the head of the processing line and assigned a new file number pursuant to § 73.3571(j)(1) of our Rules.

4. Under the extraordinary circumstances of this case, however, we do not believe that El Sol should forfeit its place in the processing line. We note the significant public interest benefit inherent in the amendment's removal of any potential conflict with proposed Class II–B unlimited time facilities in Maplewood, Minnesota (WMIN), Altoona, Wisconsin (Progressive Communications, Inc.), and Sartell, Minnesota (Hercules Broadcasting Company). In addition, the MBA application had already been returned as unacceptable for filing at the time that the El Sol amendment was submitted. Although MBA did have an application for review on file at that time, the application for review had not yet been granted and, consequently, the proposal was not formally pending. Therefore, public interest considerations dictate that the MBA petition be denied.

5. Since the El Sol proposal constitutes a major environmental action as defined by § 1.1305(a) of the Commission's Rules, the applicant is required to submit the environmental narrative information described in § 1.1311 of our Rules. El Sol's environmental narrative statement fails to state whether construction of the proposed facility has been a source of local controversy in the community.

6. Consequently, El Sol will be required to file within 30 days of the release of this Order an amended environmental narrative statement with the presiding Administrative Law Judge. In addition, a copy 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).

7. 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 requirement. We have no evidence, however, that El Sol has done either. If it has not already done so, El Sol will be required to give local public notice and to file a statement that it has complied with the local public notice requirement with the presiding Administrative Law Judge within 30 days of the release of this Order.

8. **MBA.**[2] MBA has answered "no" to question 10, Form 301, which asks whether the population within the 1 V/ m contour is less than 300 persons or less than 1.0 percent of the population within the 25 mV/m contour, as required by the blanketing provision of our Rules (Section 73.24(g)). We are uncertain as to whether the applicant has inadvertently checked this box or whether the proposal fails to comply with § 73.24(g). Consequently, an appropriate issued will be specified.

9. MBA has also filed an amendment, dated February 13, 1984, to report that an application has been filed with the Commission for assignment of the construction permit for UHF station WKRW–TV, Kenosha, Wisconsin, from Midwest Broadcast Associates, Ltd. and Frances M. Kavenik to Midwest Broadcast Associates, Ltd. Under § 1.65 of our Rules, good cause has been shown for the acceptance of this

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[1] 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. In this instance, however, the pleading will be considered at this stage of the proceeding because the allegations relate to the alleged failure of El Sol to meet our criteria governing the acceptance of proposals for filing. Other circumstances surrounding the acceptance for filing of both the El Sol and MBA proposals are described in our *Memorandum Opinion and Order*, FCC 84–84 (adopted March 15, 1984), and will not reiterated here.

[2] MBA has submitted an amendment dated July 19, 1983. Originally, Exhibit I of the application stated that Frank Kavenik would be integrated into the management of the proposed station 40 hours per week. The amendment deletes this statement and, in its place, states that "[i]n the event of a hearing on this application, in which a contingent issue is designated, an integration proposal would be submitted no later than the time directed by the Presiding Administrative Law Judge." This amendment is acceptable under § 1.65 of our Rules.

amendment. We note, however, that the Grade A contour of WKRW–TV would encompass the entire community of Vernon Hills. Under Note 4 to § 73.3555 of our Rules (the multiple ownership provision), such AM–UHF television overlap "will be handled on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest." Accordingly, an appropriate issue will be specified.

10. **Juarez.**[3] We are unable to determine from the contour map submitted whether the proposed 25 mV/m contour will encompass the business district of Sterling Heights as required by § 73.24(j) of the Commission's Rules. Accordingly, an appropriate issue will be specified.

11. **WPTW.** A *Memorandum Opinion and Order*, FCC 83–59 (released February 22, 1983), cited WPTW for EEO violations and imposed reporting conditions on the station. The community of Piqua, Ohio is composed of 11.6% minorities; the station has employed no minorities among its fifteen full-time employees. WPTW was given three reporting dates to inform the Commission of the steps being taken to correct this deficiency. The first reporting date will be June 1, 1984; consequently, we are as yet unsure whether WPTW has corrected its EEO violation. Hence, we will specify no issues at this time, leaving it to the presiding Administrative Law Judge to evaluate subsequent developments as they occur.

12. **DeStefano.** The applicant has stated that in the event that the proposal is granted, it will divest itself of all interest in WYNO(AM), Nelsonville, Ohio, and in a LPTV application (#820601TZ) for Nelsonville, Ohio. Accordingly, an appropriate divestiture condition will be specified.

13. **Point Pleasant.** The Commission has not yet received Federal Aviation Administration clearance for the antenna tower proposed by Point Pleasant. An appropriate issue will be specified below.

14. **Union City.** Union City has filed an amendment, dated December 13, 1983, reducing the tower heights as requested by the FAA in order to remove the possibility of an adverse effect on aeronautical operations. An amendment filed on December 16, 1983 corrected the proposed community of license which had been mistakenly listed on the December 13 amendment as "Blacksburg, Virginia". Under § 1.65, good cause has been shown for the acceptance of these amendments.

15. Except as indicated by the issues specified below, all applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing 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 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. If a final environmental statement is issued with respect to El Sol 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 proposal is consistent with the National Environmental Policy Act, as implemented by §§ 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.

2. To determine whether the proposal of Midwest Broadcast Associates, Ltd. complies with § 73.24(g) of our Rules and, if not, whether a waiver of this provision is warranted.

3. To determine pursuant to § 73.555 of the Commission's Rules, whether a grant of the Midwest Broadcast Associates, Ltd. proposal would be in the public interest.

4. To determine whether the proposed 25 mV/m contour of Juarez Communications Corporation will encompass the business district of Sterling Heights as required by § 73.24(j) of our Rules and, if not, whether a waiver of this provision is warranted.

5. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height and location proposed by Vernon H. Baker d/b/a Point Pleasant Broadcasting Company.

6. 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.

7. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals (or combination of proposals) would best provide a fair efficient, and equitable distribution of radio service.

8. To determine, in the event it is concluded that 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.

9. 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 the Federal Aviation Administration is made a party to the proceeding.

18. It is further ordered, That the motion to return application to the head of the processing line and to assign a new file number filed by Midwest Broadcast Associates, Ltd. is denied.

19. 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, El Sol Broadcasting, Inc. shall submit the amended environmental narrative required by § 1.1311 of the Rules to the presiding Administrative Law Judge, with a copy to the Chief, Audio Services Division.

20. It is further ordered, That El Sol Broadcasting, Inc. 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

21. It is further ordered, That the amendments filed by Midwest Broadcast Associates, Ltd. on July 19, 1983 and February 13, 1984, are accepted.

22. It is further ordered, That the petition for leave to amend filed by Juarez Communications Corporation on August 25, 1983, is granted and the accompanying amendment, is accepted.

23. It is further ordered, That in the event that the Ralph V. DeStefano and Johanna S. DeStefano, Joint Venturers, proposal is granted the construction permit shall contain the following condition:

Ralph V. DeStefano and Johanna S. DeStefano, Joint Ventures, shall divest itself of all interest in WYNO(AM), Nelsonville, Ohio, and in the low power television

[3] Juarez has submitted a petition for leave to amend, dated August 25, 1983, which includes an amendment stating that WFXZ(AM), Pinconning, Michigan, was acquired by Wegerly Broadcasting Corporation on July 27, 1983. This amendment is acceptable under § 1.65 of our Rules.

application (#820601TZ) for Nelsonville, Ohio, prior to receiving program test authorization.

24. It is further ordered, That the amendments submitted by Edward A. Baker d/b/a Union City Radio on December 13, 1983 and December 16, 1983, are accepted.

25. 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.

26. 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. 84-14346 Filed 5-29-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 84-499, File No. BPET-830907KF; MM Docket No. 84-500, File No. BPET-830907KG]

San Antonio Educational Television, Inc. and Hispanic Community Educational TV, Inc.; Hearing Designation Order

Adopted: May 17, 1984.
Released: May 23, 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 for a new noncommercial educational television station to operate on Channel 23, San Antonio, Texas.

2. 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. San Antonio Educational Television, Inc. has not supplied this data. Accordingly, the applicant 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.

3. The applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

4. 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:

To determine:

(a) The extent to which the proposed operation of each of the applicants will be integrated into the overall cultural and educatinal objectives of the respective applicants.

(b) The manner in which the proposed operation of each of the applicants meets the needs of the community to be served.

(c) Whether other factors in the record demonstrate that one applicant will provide a superior noncommercial broadcast service.

(d) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. It is further ordered, That San Antonio Educational Television, Inc. shall 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 this Order is released.

6. 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 present evidence on the issues specified in this Order.

7. 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. 84-14344 Filed 5-29-84; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

May 23, 1984.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of the submission are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632-7513. Persons wishing to comment on this information collection should contact Martin Wagner, Office of Management and Budget, Room 3235, NEOB, Washington, DC 20503, (202) 395-4814.

Title: Application for Authority To Construct or Make Changes in a Low Power TV, TV Translator, or FM Translator Station.

Form No.: FCC 346.

Action: Extension.

Estimated Annual Burden: 15,000 Respondents; 435,000 Hours.

William J. Tricarico

Secretary, Federal Communications Commission.

[FR Doc. 84-14324 Filed 5-29-84; 8:45 am]

BILLING CODE 6712-01-M

Full Committee Meeting of the FCC Advisory Committee on Technical Standards for DBS Service

May 22, 1984.

There will be a meeting of the Full Committee on June 15, 1984 at 9:30 a.m. The meeting room is number 330 at 1200 19th Street, NW. This is expected to be an all-day meeting.

The material which will be discussed at the meeting will be the final reports of the three sub-committees. That is, Transmission Standards, Receiver Standards and Encryption Standards. This may include a discussion of the final report to the FCC. This will be one of the last meetings of this Committee before its termination date of July 1, 1984.

Those seeking further information may contact the Committee Chairman,

Steven Sharp at (202) 463/8700 or B. Pattan, FCC/OST at (202) 653–9098.

Williams J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–14323 Filed 5–29–84; 8:45 am]

BILLING CODE 6712–01–M

[Report No. CL–69]

Common Carrier Public Mobile Services Information; Commission Announces Cellular Markets Beyond 90 Largest

May 17, 1984.

Attached are lists of the remaining cellular markets defined as Metropolitan Statistical Areas (MSAs) and New England County Metropolitan Areas (NECMAs) in OMB 83–20 (June 27, 1983), as modified by Public Notice Mimeo No. 6031 (August 19, 1983), No. 6026 (August 30, 1983), No. 6836 (September 30, 1983), No. 6934 (November 22, 1983) and No. 2351 (February 9, 1984). The listing for each MSA and NECMA lists the counties included in each area for cellular filing purposes.

The Commission will accept applications for cellular markets 91–120 (List A) during a two-week period commencing July 2, 1984 and ending on July 16, 1984. Applications for the remaining markets will be accepted in 30-market groups as set forth in Lists B through F, and in a final 35-market group (List G) at regular intervals to be announced by subsequent notice.

Applicants for cellular markets beyond the 90 largest are required to file an original and two copies of each application. Applications will be routinely available for public inspection upon issuance of a Public Notice announcing which applications have been accepted for filing. After lotteries are held, the tentative selectee for each frequency block in a market should provide a copy of its application to all mutually exclusive applicants within one week of the date of the Public Notice announcing the tentative selectee.

In the following paragraphs, we address certain filing procedures as they relate to the beyond-90 cellular markets.

1. *Forms.* Applicants are expected to use the new application forms for the Public Mobile Service as specified in the *Revision and Update of Part 22,* 49 FR 3296, released December 19, 1983, when they become available. However, the new forms will not be available for markets 91–120; therefore, existing Form 401 should be used for applications in these markets. Applicants should answer every item on existing Form 401 that relates to the general application requirements of Section 22.13 and the specific cellular application requirements of Sections 22.903, 22.913 and 22.917 of the Rules. Items which request other information need not be answered.

Applicants wishing to utilize a computer-generated application form must obtain prior clearance for the format. To obtain clearance, submit one blank and one completed sample computer-generated form to the Mobile Services Division, attention of Michael A. Ferrante. For further information, contact Mr. Ferrante at (202) 632–6450.

2. *Public Need Showing.* Applicants for markets beyond the top-90 are expected to conduct a public need survey for each market applied for as a basis for determining system design, coverage and capacity. The underlying survey need not be included in the application and detailed survey results need not be provided; however, the application should explain how the survey results were utilized in designing a demand-based system. In addition, the public interest statement and other information required by Item 52 should be included in this exhibit.

3. *Minimum Coverage Requirements for MSA/NECMA markets.* To be accepted for filing, an applicant must define its CGSA to include at least 75% of the population *or* 75% of the total area of the MSA or NECMA being applied for. Applicants should determine the population of each county in the MSA or NECMA by reference to Table 17 of the *1980 Census of Population, U.S. Summary—Number of Inhabitants,* Publication PC80–1–A1. If the proposed CGSA cuts across county boundaries, sub-county population (cities, towns, etc.) may be found in Table 4 of the individual state publications of the *1980 Census of Population—Number of Inhabitants.* We will deem the 75% of population requirement satisfied if the applicant draws its CGSA to cover at least 75% of the total MSA or NECMA population as determined by these county and sub-county totals. Land area coverage should be established on a square mile basis. In addition, the combined 39dBu contours of each base station must cover 75% of the area of the CGSA on a square mileage basis.

The 75% MSA/NECMA coverage standard does not apply to applications for non-MSA, non-NECMA areas. We will provide further guidance for applications for non-MSA, non-NECMA areas in the Public Notice announcing when we will accept applications for such areas.

4. *Amendments.* Applicants are reminded that prior to lottery no amendments to cellular applications for MSA and NECMA markets below the top 90 may be filed, except for amendments reflecting settlements. After lottery, the tentative selectee may file minor amendments, but no major amendments other than those listed in § 22.23(g) of the rules. The tentative selectee must file any information required by § 1.65 of the rules within 14 days of the Public Notice announcing the tentative selectee and provide copies of the amendment to all mutually exclusive applicants.

For further information contact Lawrence R. Krevor (for procedural questions) or Andrew L. Nachby (for questions regarding markets and definitions) at (202) 632–6450.

William J. Tricarico,

Secretary, Federal Communications Commission.

ATTACHMENT

List A—Cellular Markets 91–120

Metropolitan Statistical Area and Components

91. San Juan-Caguas (CMSA), PR: Aguas Buenas Municipio, Barceloneta Municipio, Bayamon Municipio, Caguas Municipio, Canovanas Municipio, Carolina Municipio, Catano Municipio, Cayey Municipio, Cidra Municipio, Corozal Municipio, Dorado Municipio, Farjardo Municipio, Florida Municipio, Guaynabo Municipio, Gurabo Municipio, Humacao Municipio, Juncos Municipio, Las Piedras Municipio, Loiza Municipio, Luquillo Municipio, Manati Municipio, Naranjito Municipio, Rio Grande Municipio, San Juan Municipio, San Lorenzo Municipio, Toa Alta Municipio, Toa Baja Municipio, Trujillo Alto Municipio, Vega Alta Municipio, Vega Baja Municipio
92. Little Rock-North Little Rock, AR: Faulkner County, Lonoke County, Pulaski County, Saline County
93. Las Vegas, NV: Clark County
94. Saginaw-Bay City-Midland, MI: Bay County, Midland County, Saginaw County
95. Columbia, SC: Lexington County, Richland County
96. Fort Wayne, IN: Adams County, Allen County, DeKalb County, Wells County, Whitley County,
97. Bakersfield, CA: Kern County
98. Davenport-Rock Island-Moline, IA/IL: Henry County, IL, Rock Island County IL, Scott County IA
99. York, PA: Adams County, York County
100. Shreveport, LA: Bossier Parish, Caddo Parish, Webster Parish
101. Beaumotn-Port Arthur, TX: Hardin County, Jefferson County, Orange County
102 Des Moines, IA: Dallas County, Polk County, Warren County
103. Peoria, IL: Peoria County, Tazewell County, Woodford County
104. Newport News-Hampton, VA: Gloucester County, Hampton City, James City County, Newport News City,

Poquoson City, Williamsburg City, York County
105. Lancaster, PA: Lancaster County
106. Jackson, MS: Hinds County, Madison County, Rankin County
107. Stockton, CA: San Joaquin County
108. Augusta, GA/SC: Aiken County, SC, Columbia County GA, McDuffie County GA, Richmond County GA
109. Spokane, WA: Spokane County
110. Huntington-Ashland, WV/KY/OH: Boyd County KY, Cabell County WV, Carter County KY, Greenup County KY, Lawrence County OH, Wayne County, WV
111. Vallejo-Fairfield-Napa, CA: Napa County, Solano County
112. Corpus Christi, TX: Nueces County, San Patricio County
113. Madison, WI: Dane County
114. Lakeland-Winter Haven, FL: Polk County
115. Utica-Rome, NY: Herkimer County, Oneida County
116. Lexington-Fayette, KY: Bourbon County, Clark County, Fayette County, Jessamine County, Scott County, Woodford County,
117. Colorado Springs, CO: El Paso County, Teller County
118. Reading, PA: Berks County
119. Evansville, IN/KY: Gibson County IN, Henderson County KY, Posey County IN, Vanderburgh County IN, Warrick County IN
120. Huntsville, AL: Limestone County, Madison County, Marshall County

List B—Cellular Markets 121–150

Metropolitan Statistical Area and Components

121. Trenton, NJ: Mercer County
122. Binghamton, NY: Broome County, Susquehanna County, Tioga County
123. Santa Rosa-Petaluma, CA: Sonoma County
124. Santa Barbara-Santa Maria-Lompoc, CA: Santa Barbara County
125. Appleton-Oskosh-Neenah, WI: Calumet County, Outagamie County, Winnebago County
126. Salinas-Seaside-Monterey, CA: Monterey County
127. Pensacola, FL: Escambia County, Santa Rosa County
128. McAllen-Edinburgh-Mission, TX: Hidalgo County
129. South Bend-Mishawaka, IN: Marshall County, St. Joseph County
130. Erie, PA: Erie County
131. Rockford, IL: Boone County, Winnebago County
132. Kalamazoo, MI: Kalamazoo County, Van Buren County
133. Machester-Nashua (NECMA), NH: Hillsborough County
134. Atlantic City, NJ: Atlantic County, Cape May County
135. Eugene-Springfield, OR: Lane County
136. Lorain-Elyria, OH: Lorain County
137. Melbourne-Titusville-Palm Bay, FL: Brevard County
138. Macon-Warner Robins, GA: Bibb County, Houston County, Jones County, Peach County, Twiggs County
139. Montgomery, AL: Autauga County, Elmore County, Montgomery County
140. Charleston, WV: Kanawha County, Putnam County
141. Duluth, MN/WI: Douglas County WI, St. Louis County MN
142. Modesto, CA: Stanislaus County
143. Johnstown, PA: Cambria County, Somerset County
144. Orange County, NY: Orange County
145. Hamilton-Middletown, OH: Butler County
146. Daytona Beach, FL: Volusia County
147. Ponce, PR: Juana Diaz Municipio, Ponce Municipio, Villalba Municipio
148. Salem, OR: Marion County, Polk County
149. Fayetteville, NC: Cumberland County
150. Visalia-Tulare-Porterville, CA: Tulara County

List C—Cellular Markets 151–180

Metropolitan Statistical Area and Components

151. Poughkeepsie, NY: Dutchess County
152. Portland (NECMA), ME: Cumberland County, Sagadahoc County
153. Columbus, GA/AL: Chattahoochee County GA, Muscogee County GA, Russell County AL
154. New London-Norwich (NECMA), CT: New London County
155. Savannah, GA: Bryan County, Chatham County, Effingham County
156. Portsmouth-Dover-Rochester (NECMA), NH/ME: Strafford County NH, York County ME
157. Roanoke, VA: Botetourt County, Craig County, Roanoke County, Roanoke City Salem City
158. Lima, OH: Allen County, Auglaize County, Putnam County, Van Wert County
159. Provo-Orem, UT: Utah County
160. Killeen-Temple, TX: Bell County, Coryell County
161. Lubbock, TX: Lubbock County
162. Brownsville-Harlingen, TX: Cameron County
163. Springfield, MO: Christian County, Greene County
164. Fort Myers, FL: Lee County
165. Fort Smith, AR/OK: Crawford County AR, LeFlore County OK, Sebastian County AR, Sequoyah County OK
166. Hickory, NC: Alexander County, Burke County, Catawba County
167. Sarasota, FL: Sarasota County
168. Tallahassee, FL: Gadsden County, Leon County, Wakulla County
169. Mayaguez, PR: Anasco Municipio, Cabo Rojo Municipio, Hormigueros Municipio, Mayaguez Municipio, San German Municipio
170. Galveston-Texas City, TX: Galveston County
171. Reno, NV: Washoe County
172. Lincoln, NE: Lancaster County
173. Biloxi-Gulfport, MS: Hancock County, Harrison County, Stone County
174. Lafayette, LA: Lafayette Parish, St. Martin Parish
175 Santa Cruz, CA: Santa Cruz County
176. Springfield, IL: Menard County, Sangamon County
177. Battle Creek, MI: Barry County, Calhoun County
178. Wheeling, WV/OH: Belmont County OH, Marshall County WV, Ohio County WV
179. Topeka, KS: Jefferson County, Osage County, Shawnee County
180. Springfield, OH: Champaign County, Clark County

List D—Cellular Markets 181–210

Metropolitan Statistical Area and Components

181. Muskegon, MI: Muskegon County, Oceana County
182. Fayetteville-Springdale, AR: Benton County, Washington County
183. Asheville, NC: Buncombe County, Madison County
184. Houma-Thibodaux, LA: Lafourche Parish, Terrebonne Parish
185. Terre Haute, IN: Clay County, Sullivan County, Vermillion County, Vigo County
186. Green Bay, WI: Brown County
187. Anchorage, AK: Anchorage Borough
188. Amarillo, TX: Potter County, Randall County
189. Racine, WI: Racine County
190. Boise City, ID: Ada County
191. Yakima, WA: Yakima County
192. Gainesville, FL: Alachua County, Bradford County
193. Benton Harbor, MI: Berrien County
194. Waco, TX: McLennan County
195. Cedar Rapids, IA: Linn County
196. Champaign-Urbana-Rantoul, IL: Champaign County
197. Lake Charles, LA: Calcasieu Parish
198. St. Cloud, MN: Benton County, Sherburne County, Stearns County
199. Steubenville-Weirton, OH/WV: Brooke County WV, Hancock County WV, Jefferson County OH
200. Parkersburg-Marietta, WV/OH: Washington County OH, Wirt County WV, Wood County WV
201. Waterloo-Cedar Falls, IA: Black Hawk County, Bremer County
202. Arecibo, PR: Arecibo Municipio, Camuy Municipio, Hatillo Municipio, Quebradillas Municipio
203. Lynchburg, VA: Amherst County, Appomattox County, Campbell County, Lynchburg City
204. Aguadilla, PR: Aguada Municipio, Aguadilla Municipio, Isabella Municipio, Moca Municipio
205. Alexandria, LA: Grant Parish, Rapides Parish
206. Longview-Marshall, TX: Gregg County, Harrison County
207. Jackson, MI: Jackson County
208. Fort Pierce, FL: Martin County, St. Lucie County
209. Clarksville-Hopkinsville, TN/KY: Christian County, KY, Montgomery County TN
210. Fort Collins-Loveland, CO: Larimer County

List E—Cellular Markets 211–240

Metropolitan Statistical Area and Components

211. Bradenton, FL: Manatee County
212. Bremerton, WA: Kitsap County
213. Pittsfield (NECMA), MA: Berkshire County
214. Richland-Kennewick-Pasco, WA: Benton County, Franklin County
215. Chico, CA: Butte County
216. Janesville-Beloit, WI: Rock County

217. Anderson, IN: Madison County
218. Wilmington, NC: Brunswick County, New Hanover County
219. Monroe, LA: Ouachita Parish
220. Abilene, TX: Callahan County, Jones County, Taylor County
221. Fargo-Moorehead, ND/MN: Cass County, ND, Clay County, MN
222. Tuscaloosa, AL: Tuscaloosa County
223. Elkhart-Goshen, IN: Elkhart County
224. Bangor (NECMA), ME: Penobscot County
225. Altoona, PA: Blair County
226. Florence, AL: Colbert County, Lauderdale County
227. Anderson, SC: Anderson County
228. Vineland-Millville-Bridgeton, NJ: Cumberland County
229. Medford, OR: Jackson County
230. Decatur, IL: Macon County
231. Mansfield, OH: Richland County
232. Eau Claire, WI: Chippewa County, Eau Claire County
233. Wichita Falls, TX: Clay County, Wichita County
234. Athens, GA: Clarke County, Jackson County, Madison County, Oconee County
235. Petersburg-Colonial Hts-Hopewell, VA: Colonial Heights City, Dinwiddie County, Hopewell City, Petersburg City, Prince George, County
236. Muncie, IN: Delaware County
237. Tyler, TX: Smith County
238. Sharon, PA: Mercer County
239. Joplin, MO: Jasper County, Newton County
240. Texarkana, TX/AR: Bowie County, TX, Little River County, AR, Miller County, AR

List F—Cellular Markets 241–270

Metropolitan Statistical Area and Components

241. Pueblo, CO: Pueblo County
242. Olympia, WA: Thurston County
243. Greeley, CO: Weld County
244. Kenosha, WI: Kenosha County
245. Ocala, FL: Marion County
246. Dothan AL: Dale County, Houston County
247. Lafayett, IN: Tippecanoe County
248. Burlington (NECMA), VT: Chittenden County, Grand Isle County
249. Anniston, AL: Calhoun County
250. Bloomington-Normal, IL: McLean County
251. Williamsport, PA: Lycoming County
252. Pascagoula, MS: Jackson County
253. Sioux City, IA/NE: Dakota County NE, Woodbury County IA
254. Redding, CA: Shasta County
255. Odessa, TX: Ector County
256. Charlottesville, VA: Albemarle County, Charlottesville City, Fluvana County, Greene County
257. Hagerstown, MD: Washington County
258. Jacksonville, NC: Onslow County
259. State College, PA Centre County
260. Lawton, OK: Commanche County
261. Albany, GA: Dougherty County, Lee County
262. Danville, VA: Danville City, Pittsylvania County
263. Wausau, WI: Marathon County
264. florence, SC: Florence County
265. Fort Walton Beach, FL: Okaloosa County
266. Glens Falls, NY: Warren County, Washington County
267. Sioux Falls, SD: Minnehaha County
268. Billings, MT: Yellowstone County
269. Cumberland, MD/WV: Allegany County MD, Mineral County WV
270. Bellingham, WA: Whatcom County

List G—Cellular Markets 271–305

Metropolitan Statistical Area and Components

271. Kokomo, IN: Howard County, Tipton County
272. Gadsden, AL: Etowah County
273. Kankakee, IL: Kankakee County
274. Yuba City, CA: Sutter Country, Yuba County
275. St. Joseph, MO: Andrew County, Buchanan County
276. Grand Forks, ND/MN: Grand Forks County, ND, Polk Country, MN
277. Sheboygan, WI: Sheboygan County
278. Colombia, MO: Boone County
279. Lewiston-Auburn (NECMA), ME: Androscoggin County
280. Burlington, NC: Alamance County
281. Laredo, TX: Webb County
282. Bloomington, IN: Monroe County
283. Panama City, FL: Bay County
284. Elmira, NY: Chemung County
285. Las Cruces, NM: Dona Ana County
286. Dubuque, IA: Dubuque County
287. Bryan-College Station, TX: Brazos County
288. Rocester, MN: Olmstead County
289. Rapid City, SD: Meade County, Pennington County
290. LaCrosse, WI: LaCrosse County
291. Pine Bluff, AR: Jefferson County
292. Sherman-Denison, TX: Grayson County
293. Owensboro, KY: Daviess County
294. San Angelo, TX: Tom Green County
295. Midland, TX: Midland County
296. Iowa City, IA: Johnson County
297. Great Falls, MT: Cascade County
298. Bismarck, ND: Burleigh County, Morton County
299. Casper, WY: Natrona County
300. Victoria, TX: Victoria County
301. Lawrence, KS: Douglas County
302. Enid, OK: Garfield County
303. Aurora-Elgin, IL: Kendall County
304. Joliet, IL: Grundy County
305. Alton-Granite City, IL: Jersey County

[FR Doc. 84-14335 Filed 5-29-84; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T–3967–2.

Title: The Board of Commissioners of the Port of New Orleans and The Ryan-Walsh Stevedoring Co., Inc., Amended Terminal Lease Agreement.

Parties: The Board of Commissioners of the Port of New Orleans and Ryan-Walsh Stevedoring Co., Inc.

Synopsis: Agreement No. T–3967–2 amends the basic agreement by reducing the area of Tract I of the leased terminal premises to a toal of 49.24 acres and Tract II to a total of 27.55 acres. The premises are located at the Mississippi River-Gulf Outlet, Orleans, Parish, Louisiana. The amendment will become effective upon Commission approval.

Filing party: Deborah J. Moench, Attorney, Board of Commissioners of the Port of New Orleans, Post Office Box 60046, New Orleans, Louisiana 70160.

Agreement No.: T–4182.

Title: The Port of Oakland and Star Shipping, A/S, Terminal Use Agreement.

Parties: The Port of Oakland (Port) and Star Shipping A/S, (Star).

Synopsis: Agreement No. T–4182 is a terminal use agreement, which provides that Star will have the nonexclusive right to assigned premises at the Port's Seventh Street Pubic Container Terminal for the handling of its vessels in its all water North Europe Pacific Service. Star agrees that the assigned premises shall be its published regularly scheduled Northern California port of call. Star will pay to the Port 90 percent of tariff dockage and wharfage revenues and if they generate in excess of 31,000 revenue tons in a year, no further wharfage payments to the Port are required. The term of the agreement commences upon Commission approval and runs through May 31, 1989.

Filing party: John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, California 94604.

Agreement No.: T–4183.

Title: The Jacksonville Port Authority and Jaxport Refrigerated Warehouse, Ltd., Terminal Lease Agreement.

Parties: The Jacksonville Port Authority (Authority) and Jaxport Refrigerated Warehouse, Ltd. (Jaxport).

Synopsis: Agreement No. T–4183 provides that the Authority will lease to Jaxport 40,000 sq. ft. in Warehouse No. 1 at Talleyrand Docks and Terminals, Jacksonville, Florida. The premises will be used for storing transient imported/exported reefer cargoes. Jaxport will become a Participating Terminal Operator at the Port Terminals of the Authority. All wharfage and dockage charges shall be to the account of the Authority. The term of the agreement will be for 6 years commencing on the first day of the sixth month after the month of the approval by the Federal Maritime Commission. There will be two 6 year option periods and one succeeding 2 year period.

Filing party: C. Prosuch, Director of Finance, Jacksonville Port Authority, Post Office Box 3005, 2831 Talleyrand Avenue, Jacksonville, Florida 32206.

Dated: May 24, 1984.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84–14407 Filed 5–29–84; 8:45 am]

BILLING CODE 6730–01–M

Section 15 Agreement; Intent to Terminate Approval of Agreement

Agreement No.: 10126.

Title: The Florida/Curacao, Aruba and Bonaire Rate Agreement.

Parties: Sea-Land Service, Inc.

Synopsis: The Commission has been notified of the effective resignation of Concorde/Nopal Line from Agreement No. 10126. Inasmuch as this reduces the active membership of the agreement to a single party, the Commission gives notice that it will terimate its prior approval of Agreement No. 10126 effective March 28, 1984, the effective date of Concorde/Nopal's resignation.

Filing party: Alan J. Bouwmeester, Vice President, Concorde/Nopal Line, Post Office Box 014261, Miami, Florida 33101.

Dated: May 24, 1984.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84–14412, Filed 5–29–84; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Colonial Bancshares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

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 Reserve Bank indicated or the offices of the Board of Governors not later than June 22, 1984.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missiouri 63166:

1. *Colonial Bankshares, Inc.*, Des Peres, Missouri; to acquire Guido Insurance Agency, Inc., St. Louis, Missouri and thereby engage in the sale of credit life insurance, disability insurance, and involuntary unemployment insurance to individuals obtaining or holding loans from The Colonial Bank, Des Peres, Missouri. Such insurance to be limited to an amount sufficient to provide for the repayment of the outstanding balances due on such loans. These activities will be conducted in the State of Missouri, primarily St. Louis County.

Board of Governors of the Federal Reserve System, May 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–14325 Filed 5–29–84; 8:45 am]

BILLING CODE 6210–01–M

Midsouth 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 acquaire 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 hearings, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 22, 1984.

a. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *MidSouth Bancorp, Inc.*, Lafayette, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of MidSouth National Bank, Lafayette, Louisiana.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Alden Bancshares Company*, Alden, Iowa; to become a bank holding company by acquiring 94.3 percent of the voting shares of Alden State Bank, Alden, Iowa.

2. *First Community Bank Group, Incorporated,* Burlington, Wisconsin; to acquire 100 percent of the voting shares of Bank of Albany, Albany, Wisconsin.

3. **First Community Financial Corp.,** Decatur, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of The First State Bank of Decatur, Decatur, Indiana.

4. *J. E. Coonley Company,* Dows, Iowa; to acquire Alden Bancshares Company, Alden, Iowa, thereby indirectly acquiring Alden State Bank, Alden Iowa.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Western Commercial,* Fresno, California; to acquire Merced Bank of Commerce, N.A., Merced, California (In Organization).

Board of Governors of the Federal Reserve System, May 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-14330 Filed 5-29-84; 8:45 am]

BILLING CODE 6210-01-M

American Security Corp.; 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* (70 Federal Reserve Bulletin 371 (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 June 22, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *American Security Corporation,* Washington, D.C.; to engage through a national bank subsidiary, American Security Bank of Virginia, N.A., McLean, Virginia, in deposit-taking; consumer and mortgage lending (1–4 family dwellings only); and trust, investment advisory, and other banking services in Fairfax County, Virginia, and nearby areas.

Board of Governors of the Federal Reserve System, May 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-14326 Filed 5-29-84; 8:45 am]

BILLING CODE 6210-01-M

American Security Corp.; 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* (70 Federal Reserve Bulletin 371 (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 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 of the offices of the Board of Governors not later than June 22, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261.

1. *American Security Corporation,* Washington, D.C.; to engage through a national bank subsidiary, American Security Bank of Florida, N.A., West Palm Beach, Florida, in deposit-taking; consumer and mortgage lending (1–4 family dwellings only); consumer and mortgage lending (1–4 family dwellings only); and trust, investment advisory, and other banking services in Palm Beach County, Florida, and nearby areas.

Board of Governors of the Federal Reserve System, May 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-14327 Filed 5-29-84; 8:45 am]

BILLING CODE 6210-01-M

American Security Corp.; 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* (70 Federal Reserve Bulletin 371 (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 June 22, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 2261:

1. *American Security Corporation*, Washington, D.C.; to engage through a national bank subsidiary, American Security Bank of Maryland, N.A., Bethesda, Maryland, in deposit-taking; consumer and mortgage lending (1–4 family dwellings only); and trust, investment advisory, and other banking services in Montgomery County, Maryland, and nearby areas.

Board of Governors of the Federal Reserve System, May 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-14329 Filed 5-29-84; 8:45 am]

BILLING CODE 6210-01-M

Fidelcor, 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 commerce or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

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 June 20, 1984.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. **Fidelcor, Inc.**, Rosemont, Pennsylvania; to engage *de novo* through its subsidiary Latimer and Buck, Inc., Philadelphia, Pennsylvania in providing portfolio investment advice to persons seeking such advice, and providing financial advice to state and local governments, such as with respect to the issuance of their securities.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First Commonwealth Financial Corporation*, Indiana, Pennsylvania; to engage *de novo* through its subsidary, Commonwealth Systems Corporation, Indiana, Pennsylvania, in providing to others data processing and transmission services, facilities, data bases or access to such services, facilities, or data bases by any technologically feasible means, where: (A) Data to be processed or furnished are financial, banking or economic, and the services are provided pursuant to a written agreement so describing and limiting and services; (B) The facilities are designed, marketed, and operated for the processing and transmission of financial banking or economic data; and (C) Hardware in connection therewith is offered only in conjunction with software designed and marketed for the processing and transmission of financial, banking or economic data, and where the general purpose hardware does not constitute more than 30 percent of the cost of any packaged offering. These activities would be conducted in the State of Pennsylvania. These activities would be performed in the State of Pennsylvania.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *American Fletcher Corporation*, Indianapolis, Indiana; to engage through its subsidiary, American Fletcher Financial Services, Inc., Marion, Indiana, in making or acquiring loans or other extensions of credit for personal, family or household purposes, including loans secured by home equities; purchasing consumer installment sales finance contracts; and to the extent permitted by applicable state and Federal laws and regulations, acting as agent with respect to credit life and disability insurance on borrowing customers and insurance on borrowing customers and insurance on property taken as collateral for loans and contracts made or purchased by such subsidiary. The foregoing activities will be conducted from offices in Indiana and Michigan, serving such states.

Board of Governors of the Federal Reserve System, May 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-14328 Filed 5-29-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Fiscal Year 1984 Funding Preference for Grants for Departments of Family Medicine

The Bureau of Health Professions, Health Resources and Services Administration, announces the final funding preference which will govern the distribution of grant awards for Departments of Family Medicine for Fiscal Year 1984.

Section 780 of the Public Health Service Act authorizes Federal support to medical and osteopathic schools to assist developing and existing family medicine units in achieving administrative status equal to that of other major clinical units.

A proposed funding preference for applicants which have never received support under section 780 of the PHS Act was published for public comment in the **Federal Register** on February 28, 1984 (49 FR 7296). Two comments were received during the 30-day comment period.

One respondent, a community hospital, commented on the requirement which limits eligibility to schools of medicine and osteopathy. The applicant eligibility requirement is established by law, which specifically states that only schools of medicine and osteopathy are eligible for support under this program. The Bureau notes that hospitals are eligible for support for family medicine grant programs authorized under Section 786(a) of the PHS Act, Grants for Graduate Training in Family Medicine and Grants for Faculty Development in Family Medicine.

The second respondent was concerned that the proposed funding preference would enable new projects to be initiated at the expense of on-going projects. The funding preference is applicable only to the Fiscal Year 1984 competitive grant application cycle and will in no way jeopardize the continued support of existing projects. Projects, such as the respondent's, which were recommended for three or more years of support in Fiscal Year 1983, will continue to be funded in Fiscal Year 1984 if there is satisfactory performance.

The funding preference is designed to continue Federal initiatives to expand and develop new resources for the provision of clinical instruction in family medicine programs. Therefore, the following funding preference is being used in Fiscal Year 1984:

(1) Among approved applications, projects which have never received funding under the Section 780 grant program will receive preference for funding.

(2) After funding these projects and based upon the amount of funds remaining, other approved competing applications will then be funded according to their relative priority scores.

Dated: May 22, 1984.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 84-14336 Filed 5-29-84; 8:45 am]

BILLING CODE 4160-16-M

Public Health Service

Privacy Act of 1974

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of establishment of a new Privacy Act system of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of intent to establish a new Privacy Act system of records 09-37-0016, "Users of Health Statistics, HHS/OASH/NCHS." This system will be used to support the work of the National Center for Health Statistics (NCHS) by ascertaining from data users how NCHS can improve the usefulness of its health statistics to the public through changing content of data systems, statistical methodology used, or the nature or content of statistical publications. We are also proposing routine uses for this new system.

PHS invites interested persons to submit comments on the proposed routine uses on or before June 29, 1984.

DATES: PHS has sent a Report of New System to the Congress and to the Office of Managment and Budget (OMB) on May 1, 1984. The system of records will be effective 60 days from the date submitted to OMB unless PHS receives comments on the routine uses which would result in a contrary determination.

ADDRESS: Comments should be addressed to the NCHS Privacy Act Coordinator at the address listed below. Comments received will be available for inspection from 9 a.m. to 3 p.m., Monday through Friday, in Room 2-19, Center Building, at that address.

FOR FURTHER INFORMATION CONTACT: Dr. Robert H. Mugge, NCHS Privacy Act Coordinator, Center Building, Room 2-19, 3700 East-West Highway, Hyattsville, MD 20782, or call 301-436-7019. This is not a toll free number.

SUPPLEMENTARY INFORMATION: NCHS proposes to establish a new system of records: 09-37-0016, "Users of Health Statistics, HHS/OASH/NCHS." This proposed umbrella system of records will comprise records generated in various projects related to groups of NCHS statistics users who are sent inquiries as to their health statistics interests or how they believe the NCHS statistical products can be improved, or who may be invited to meetings on these subjects. These projects are pursued in fulfilling the Department's mandated responsibility to assure that statistics developed are of high quality, timely, comprehensive as well as specific, standardized, and adequately analyzed and indexed. Such projects will involve both staff of NCHS and persons working under contracts awarded competitively by NCHS. NCHS may award research contracts to educational and research institutions, to Federal Government agencies, or to commercial enterprises.

NCHS may disclose parts of records in the system, with permission from the subjects involved, to those wishing to know what persons are engaged in various kinds of health statistical research, or what persons have particular needs for certain kinds of health statistics which may be developed. Through this means NCHS hopes to increase discussions among persons with similar interests in health statistics in order that, through sharing knowledge and ideas, they, together with staff of NCHS, may work to increase and improve the quality of health statistics for the Nation.

Records collected under this system will generally be organized and maintained according to the particular studies or information files which they support. Within each study or file records will be retrievable by name of the subject individual. Records will not be entered into a general or comprehensive data base, nor will there be any general index identifying all persons who are subjects of records in the separate studies covered by this system. However, NCHS is treating the separate sets of records as a single system under the Privacy Act (1) because all of the sets of records will serve the same agency purposes and

contain similar types of data, (2) in order to apply consistent policies and practices in the maintenance and use of such records, (3) to facilitate subject individuals' exercise of their rights of notification, access, and amendment, and (4) to minimize the work required on the part of the agency to publish notice of and to maintain the system.

The records in this system will be maintained in a secure manner compatible with their content and use. Contractors will be required to adhere to the provisions of the Privacy Act, the HHS Privacy Act regulation, and the NCHS policies as stated in the NCHS Staff Manual on Confidentiality. The System Manager, the NCHS Project Officer, and the Contract and/or Project Director will control access to the data. Only authorized contractor personnel, the NCHS project officer, and NCHS employees whose duties require the use of such information will have regular access to records in this system. Records will be stored in locked files or secured areas. Computer terminals will be in secured areas. Data stored in computers will be accessed through the use of keywords known only to the principal investigators or authorized personnel. These keywords will be changed frequently.

The particular safeguards implemented in each project will be developed in accordance with chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administrative Manual, supplementary chapter PHS hf. 45–13; part 6, "ADP Systems Security," of the HHS ADP Systems Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31); and the NCHS Staff Manual on Confidentiality.

The routine uses proposed for this system are compatible with the stated purpose of the system in inquiring from knowledgeable persons as to how NCHS data are used and how they might be improved. The first proposed routine use will allow for disclosure to contractors working on research projects. This will permit NCHS to administer research projects efficiently when contracting for such services is advisable because the agency lacks necessary internal resources or because processing or refining the records under contract would be cost-effective. Contracted services may include data collection, transcription, collation, computer input, other records processing, or analysis.

The second routine use permits disclosure to a congressional office; it is proposed in order to allow subject individuals to obtain assistance from their representatives in Congress, should they so desire. Such disclosure would be made only pursuant to a request of the individual.

The proposed system of records will not become effective until 60 days after the date it was reported to OMB, as discussed above. However, the following notice is written in the present rather than future tense in order to avoid the unnecessary expenditure of public funds to republish the notice after the system has become effective.

Dated: May 11, 1984.

Peter J. Bersano,

Acting Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09–37–0016

System name: Users of Health Statistics. HHS/OASH/NCHS.

Security classification: None.

System location: Room 2–19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782; and offices of contractors employed to survey, process, or otherwise develop information regarding users of data from the National Center for Health Statistics (NCHS). Contractor locations are available upon request directed to the System Manager.

Categories of individuals covered by the system: Persons who are past, present, or potential users of health statistics and would therefore have special interests in the programs conducted by NCHS, such as (1) persons who subscribe to NCHS publication series, (2) persons who purchase NCHS public use data tapes or publications, (3) persons who contact NCHS to request data or information on health statistics, (4) persons who attend health statistics conferences, and (5) persons known from their publications or otherwise to have a research, legislative, policy, or administrative interest in data produced by NCHS.

Categories of records in the system: This system consists of information relating to the professional health statistical interests of health statistics users, such as their: name, address, position, organization, education, memberships in professional organizations, special committee and task force assignments, offices held in organizations, publications, health statistics meetings attended, uses made of health statistics, health statistics projects, purchases of NCHS tapes or publications, and expressions of interests and concerns about health statistics.

Authority for maintenance of the system: Public Health Service Act, Section 308(g)(2) (42 U.S.C. 242m(g)(2)).

Purpose(s): NCHS uses the data in determining how improvements can be made in (1) the content and methodology of its data programs, (2) its data publications, (3) dissemination of health statistics, and (4) meetings or other means for soliciting users' concerns and knowledge sharing.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. The Department occasionally contracts with a private firm for the purpose of conducting surveys or collecting, analyzing, aggregating, otherwise refining, or evaluating data in this system. Relevant records are disclosed to such a contractor. The contractor is required to maintain Privacy Act safeguards with respect to such records.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is contained on paper records and/or computer-readable tape.

Retrievability: Information is retrieved by name, and may also be retrievable by unique identifying number, address, specialty, or other identifying characteristics.

Safeguards: Measures to prevent unauthorized disclosures are implemented as appropriate for the particular records maintained in each project. NCHS and its contractors implement personnel, physical, and procedural safeguards such as the following:

(1) Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to authorized contractor personnel, the NCHS project officer, and NCHS employees whose duties require the use of such information. One-time and special access to the data is controlled by the System Manager, the NCHS Project Officer, and the Contract and/or Project Director. Furthermore, all employees of NCHS and contractor personnel with access to NCHS records are required, as a condition of employment, to sign an affidavit binding them to nondisclosure of identifiable individuals' information.

(2) Physical Safeguards: Records are stored in locked files or secured areas. Computer terminals are in secured areas.

(3) Procedural Safeguards: Data stored in computers are accessed through the

use of passwords/keywords known only to the principal investigators or authorized personnel. These passwords/keywords are changed frequently.

Contractors who main records in this system are instructed to make no further disclosure of the records except as authorized by the system manager and permitted by the Privacy Act. Privacy Act requirements are specifically included in contracts for research activities related to this system. The HHS project directors, contract officers, and project officers oversee compliance with these requirements.

The particular safeguards implemented in each project are developed in accordance with chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS hf. 45–13; Part 6, "ADP Systems Security," of the HHS ADP Systems Manual; the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

Retention and disposal: Records are retained for various periods of time depending upon how useful they are considered to be, in accordance with NCHS policy. Some records of users may be maintained indefinitely.

Disposal methods include burning or shredding hard copy and erasing computer tapes and disks.

System manager and address: Director, National Center for Health Statistics, Center Building, Room 2–19, 3700 East-West Highway, Hyattsville, MD 20782.

Notification procedure: To determine if a record exists, write to the System Manager. Information needed consists of name and address of individual.

Record access procedures: Same as notification procedures. Requestors should also reasonably specify the record contents being sought. Positive identification is required from anyone seeking access. You may also request an accounting of disclosures that have been made of your record, if any.

Contesting record procedures: Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

Record source categories: Records may be obtained from (1) order forms for publications or public use data tapes, (2) mailing lists, (3) registration forms of meetings, (4) author information in books and journals, (5) reference citations, and (6) reports of colleagues.

Systems exempted from certain provisions of the act: None.

[Fr Doc. 84–14391 Filed 5–29–84; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N–84–1392]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–6374. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Notification Data for the Use of Magnetic Tapes for Data Reported on the HUD–50059 Form.

Office: Administration.

Form number: None.

Frequency of submission: On Occasion.

Affected public: State or Local Governments, Businesses or Other For-Profit, and Small Businesses or Organizations.

Estimated burden hours: 200.

Status: New.

Contact: Robert Davis, HUD, (202) 755–6218, Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 8, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84–14372 Filed 5–29–84; 8:45 am]

BILLING CODE 4210–32–M

[Docket No. N–84–1393]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports

Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-6374. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Urban Homesteading Program Reports.

Office: Community Planning and Development.

Form number: HUD-4117, HUD-4027.1, and HUD-4027.2.

Frequency of submission: On Occasion, Monthly, Quarterly, and Annually.

Affected public: State or Local Governments.

Estimated burden hours: 1,446.

Status: Revision.

Contact: Raymond Solecki, HUD, (202) 755-5324 or Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 5, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84-14373 Filed 5-29-84; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974—Revision of Notices of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to revise four notices describing systems of records maintained by the Bureau of Mines. As noted below, all changes being published are editorial in nature, and reflect administrative revisions which have occurred since the publication of the material in the **Federal Register** on October 4, 1983 (48 FR 45311) and January 26, 1984 (49 FR 3274). The four revised notices are published in their entirety below.

One records system notice (EBM-1) is being revised to reflect the conversion of the bureau's payroll records to the integrated Departmental payroll system (PAY/PERS). The other three records system notices (EBM-2, EBM-3, and EBM-4) are being revised to update the "Retention and Disposal" description in each notice. 5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. Therefore, written comments on these proposed changs can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C. 20240. Comments received on or before June 29, 1984, will be considered. The notices shall be effective as proposed without further notice at the end of the comment period, unless comments are received which would require a contrary determination.

Dated: May 21, 1984.

Oscar W. Mueller, Jr.,

Director, Office of Information Resources Management.

INTERIOR/EBM-1

SYSTEM NAME:

Payroll/Personnel System—Interior, Mines-1.

SYSTEM LOCATION:

(1) U.S. Department of the Interior, Bureau of Mines, Division of Finance, Building 20, Denver Federal Center, Denver, Colorado 80225. (2) Input documents are initiated by all Bureau of Mines facilities. (3) Records contained by this system are part of the Department of the Interior integrated system (PAY/PERS) maintained for the Bureau of Mines in a computer operated by the Bureau of Reclamation which is located in Denver, Colorado.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Bureau of Mines employees

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee identification, pay rate and grade, retirement, and location data; length of service; pay, leave, time and attendance, allowances, and cost distribution records; deductions for FICA, savings bonds, insurance, union dues, taxes, allotments, quarters, charities; overtime authorizations, awards, shift schedules, pay differentials, IRS tax lien data; and related personnel data. Also included is information on debts owed to the government as a result of overpayment, refunds owed, or a debt referred for collection on a transferred employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5101, et seq., 31 U.S.C. 3512

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for fiscal operations for payroll, attendance, leave, insurance, tax, retirement and cost accounting programs; and to prepare related reports to other Federal agencies including the Treasury Department and the Office of Personnel Management. Disclosures outside the Department of the Interior may be made: (1) To the Department of the Treasury for preparation of payroll checks and other checks to Federal, State, and local government agencies, non-governmental organizations, and individuals; (2) to the Internal Revenue Service and to State, local, tribal and territorial governments for tax purposes; (3) to the Office of Personnel Management in connection with programs administered by that office; (4) to another Federal agency to which an employee has transferred; (5) to the U.S. Department of Justice when related to litigation or anticipated litigation; (6) to disclose pertinent information to an appropriate Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statue, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (7) to a

congressional office from the records of an individual in response to an inquiry from that congressional office made at the request of the individual; (8) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (9) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit; (10) to appropriate Federal and State agencies to provide required reports including data on unemployment insurance; (11) to the Social Security Administration to report FICA deductions; (12) to labor unions to report union dues deductions; (13) to insurance carriers to report withholdings for health insurance; (14) to charitable institutions to report contributions; (15) to a Federal agency for the purpose of collecting a debt owed to the Federal government through administrative or salary offset; (16) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on microfilm, microfiche, magnetic tape and original documents are kept in file cabinets (i.e. payroll copies of SF–50's, time and attendance reports, etc.).

RETRIEVABILITY:

File folders are maintained by name and magnetic tape data are sequenced by employee social security number.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for computer and manual records.

RETENTION AND DISPOSAL:

Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Records Schedule 2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Finance, Bureau of Mines, Building 20, Denver Federal Center, Denver, Colorado 80225.

NOTIFICATION PROCEDURES:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the individual seeks information concerning his/her records is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individuals on whom the records are maintained, supervisors, timekeepers, official personnel records, previous employers, Internal Revenue Service.

INTERIOR/EBM–2

SYSTEM NAME:

Travel Advance File—Interior, Mines—2.

SYSTEM LOCATION:

U.S. Bureau of Mines, Division of Finance, Building 20, Denver Federal Center, Denver, Colorado 80225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Bureau of Mines employees who have active travel advances or who have closed travel advances.

CATEGORIES OF RECORDS IN THE SYSTEM:

File consists of signed forms whereon employees request travel advances for the purpose of paying travel expenses incurred in the performance of official government business. These forms also include repayments against any advances, whether by claims offset on travel vouchers or remittances by checks, money orders, etc., and records of overpayments and/or debts owed the Federal Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4111(b), 5701–5709,5721–5733, 5742(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to provide an accounting record of obligations due to the U.S. Government from employees authorized cash advances to defray expenses incurred in official travel. Payments to the traveler and repayments to the Government are reflected in the record; (b) to serve as a backup authority and manually reconciled file to the entries for travel expenses in the automated Finance system; (c) computer data are reported to each Bureau office as part of the detailed composition of monthly expense reports applicable to charges made to cost accounts within the Finance system. Only data pertinent to individual Bureau offices are available to that office. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation involving the records or the subject matter of the records; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit; (6) to other Federal agencies for the purpose of collecting debts owed to the Federal government by administrative or salary offset.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552b(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in cardboard boxes in the Division of Finance.

RETRIEVABILITY:

Files are stored alphabetically by fiscal year.

SAFEGUARDS:

Open files are kept by the Travel Advance Clerk for active usage. Closed records are kept in boxes in the vault. Files are accessible during working hours only by personnel from the Division of Finance. Office is locked during periods of non-work.

RETENTION AND DISPOSAL:

Records retained for 3 years, then destroyed. Disposition is in accordance with General Records Schedule, FPMR 101–11.4.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Finance, U.S. Bureau of Mines, Building 20, Denver Federal Center, Denver, Colorado 80225.

NOTIFICATION PROCEDURE:

Inquires regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records. pertaining to him/her is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information for this system originates with the traveler who specifies in the need of a travel advance. The request is concurred in by signature of a responsible supervisory official. All entries on the file are as a result of actions taken by the individual to liquidate his travel advance.

INTERIOR/EBM–3

SYSTEM NAME:

Travel Voucher and Authorizations—Interior, Mines—3.

SYSTEM LOCATION:

U.S. Bureau of Mines, Division of Finance, Building 20, Denver Federal Center, Denver, Colorado 80225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons traveling for or in behalf of the Bureau of Mines on official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Voucher file consists of pair travel vouchers which reimburse travelers for expenses incurred in connection with official travel. Travel authorization file consists of record copies of authorizations for travel for which no travel voucher have been submitted for payment, and records of overpayments and/or debts owed the Federal Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) as backup entry data for obligations and disbursements in the automated Finance system of the Bureau of Mines; (b) computer data are reported to each Bureau office as part of the detailed composition of monthly expense reports applicable to charges made to cost accounts within the Finance system. Only data pertinent to individual Bureau offices are available to that office; (c) vouchers are used to determine allowability of expenses within the law authorizing payment of travel expenses. The documents are used to determine which expenses incurred by the traveler can be paid and are sometimes used to report to other Federal agencies summarizations of those types of allowable expenses. Usually, the individual's name is not used in outside reporting but the date is. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation involving the records of the subject matter of the records; (2) of information indicating a violation or potential violation of a statute regulation, rule, order or license, to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing, the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, state, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit; (6) to other Federal agencies for the purpose of collecting debts owed to the Federal government by administrative or salary offset.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(A)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in steel filing cabinet in the Division of Finance.

RETRIEVABILITY:

Vouchers are filed by voucher number in sequence of payment within the overall numbering sequence of the Finance system. Authorizations are filed alphabetically by name awaiting payment of travel voucher. Authorization becomes part of the voucher packet at time of payment.

SAFEGUARDS:

Files are maintained with safeguards meeting the requirements of 43 CFR 2.51 in the Division of Finance and are available only to Division of Finance of Finance personnel.

RETENTION AND DISPOSAL:

Records are retained for 3 years, then destroyed. Disposition is in accordance with General Records Schedule, FPMR 101–11.4.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Finance, Bureau of Mines, Building 20, Denver Federal Center, Denver CO 80225.

NOTIFICATION PROCEDURE:

Inquires regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information for these files is based on an authorization signed by the traveler in the form of a request. Travel vouchers are submitted by the traveler after incurring expenses for official travel and is a request for payment based on his record of official expenses.

INTERIOR/EBM-4

SYSTEM NAME:

Property Control—Interior, Mines—4.

SYSTEM LOCATION:

(1) Bureau of Mines, U.S. Department of the Interior, 2401 E Street, N.W., Washington, D.C. 20241. (2) All field facilities of the Bureau of Mines (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have custody or responsibility for Bureau of Mines property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information indicating what property, including equipment, motor vehicle operator's license, keys, motor pool vehicles, transportation request books, and parking spaces, for which the employee has custody or responsibility. In addition, all other records directly related to the property control function.

The system also includes information on employee inventions which is maintained by name of invention, name of employee, and case number, and records on debts owed the Federal government due to loss or misuse of property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 483(b)(1).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM , INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The primary uses of the records are (a) identification, assignment, and control of Bureau property; (b) assistance in locating carpools; Disclosures outside ot the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulations, order or license; (3) to other Federal agencies for the purpose of collecting debts owed to the Federal government by administrative or salary offset.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act. (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders or card indexes, a limited quantity on computer tape.

RETRIEVABILITY:

Indexed by employee name or control number.

SAFEGUARDS:

Security will be provided to meet the requirements of 43 CFR 2.51 for manual records.

RETENTIONAL AND DISPOSAL:

Records are destroyed 3 years after files are close.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Division of Property and General Services, Bureau of Mines, 2401 E Street, NW., Washington, D.C. 20241.

NOTIFICIATION PROCEDURE:

System Manager, or with respect to records maintained at field facilities, the administrative officer of the facility. A written and signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager or, with respect to records maintained at field facilities, the administrative officer of the facility. The request must be in writing and signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Employees. Property control information required for accountability purposes.

[FR Doc. 84-14353 Filed 5-29-84; 8:45 am]

BILLING CODE 4310-53-M

Bureau of Land Management

Ukiah District, California, Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Ukiah District Advisory Council will be held in Ukiah, California, on June 14 and 15, 1984.

The meeting will begin Thursday, June 14, at 10:00 a.m. in the Empire Room, LuAnn Motel, 1340 North State Street, Ukiah, California. Thursday's meeting will adjourn at 4:30 p.m., resume Friday June 15, at 8:00 a.m., and adjourn Friday at 3:00 p.m.

The agenda will include an orientation for the advisory council and a technical review appointed by the advisory council to make a recommendation on wilderness suitability of the King Range and Chemise Mountain wilderness study areas. An environmental impact statement on the two WSAs will be released for public review in October 1984.

The meeting is open to the public. Interested persons may make oral statements to the council or file written statements for the Council's consideration. Opportunity for public comment will be provided at 1:00 p.m., Friday, June 15, 1984.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction within 30 days following the meeting.

Dated: May 18, 1984.

Van W. Manning,

District Manager.

[FR Doc. 84-14363 Filed 5-29-84; 8:45 am]

BILLING CODE 4310-84-M

Clear Lake Resource Area; Realty Action for Sale of Public Lands in Glenn, Colusa, Napa, Sonoma and Yolo Counties, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Sale of Public Lands.

SUMMARY: The following described land has been examined, and through the development of land use planning decisions based on public input, resource considerations, regulations, and Bureau policies, it has been determined that the proposed sale of these parcels is consistent with the Federal Land Policy and Manangement Act (FLPMA) of October 21, 1976. Each parcel will be separately offered for sale on August 29, 1984 at no less than the appraised fair market value. The BLM solicits and will accept bids on these lands; and may accept or reject any and all bids, or withdraw any land from sale at any time if in the opinion of the Authorized Officer consummation of the sale would not be in the best interest of the United States.

Sealed bids will be accepted if received at the Ukiah District Office, 555 Leslie Street, Ukiah, California 95482 prior to 10:00 a.m. on Wednesday, August 29, 1984. The sealed bids will be opened and publicly declared at the Ukiah District Office Conference Room on August 29, 1984 beginning at 10:00 a.m. All unsold parcels, whether originally identified for sale by competitive or modified competitive bidding, will be reoffered competitively by sealed bid on October 31, 1984 at the same time and place.

If these parcels remain unsold after the October 31, 1984 date, they will again be offered for sale by sealed bid at the same time on the third Wednesday of each month thereafter until the parcels are sold or until August 29, 1985. However, availability for sale will not preclude the parcel from being considered for other actions.

Mount Diablo Base and Meridian

Parcel	Case No.	County	Legal description	Acres	Bidding procedures
1	CA 15337	Glenn	T. 19 N., R. 5 W. Sec. 18, SE¼SW¼	40	Modified. Competitive.
2	CA 15338	Napa	T. 6 N., R. 5 W. Sec. 9, NW¼NE¼	40	Modified. Competitive.
3	CA 15339	Napa	T. 9 N., R. 3 W. Sec. 9, W½SW¼	80	Modified. Competitive.
4	CA 15340	Colusa	T. 14 N., R. 5 W. Sec. 26, SW¼SE¼	40	Modified. Competitive.
5	CA 15341	Sonoma	T. 8 N., R. 6. W. Sec. 32, SW¼SW¼	40	Modified. Competitive.
6	CA 15342	Sonoma	T. 8 N., R. 7 W. Sec. 4, Lots 1 & 2	34.75	Competitive.
7	CA 15343	Yolo	T. 11 N., R. 3 W. Sec. 17, W½SW¼	80	Competitive.
8	CA 15344	Yolo	T. 11 N., R. 3 W. Sec. 18, SE¼NE¼	40	Competitive.

Detailed information concerning the sale, including the environmental assessment, land report and photographs are available for review at the Ukiah District Office, 555 Leslie Street, Ukiah, California 95482. The fair market value will be available at the Ukiah District Office 30 days prior to the sale.

Those tracts identified for sale by modified competitive bidding will include designation of a bidder. The designated bidder will be the adjacent landowner and will have the right to meet the highest apparent bid for the affected parcel. Refusal or failure to meet the highest bid within 30 days of the sale shall constitute a waiver of this provision. The tract will then be offered to the apparent high bidder who will have 30 days to submit the remainder of the full purchase price.

Disposal of the subject lands are consistent with planning system decisions and the FLPMA disposal criteria, i.e., the tract is difficult or uneconomic to manage and the tract is not required for any other Federal purpose.

Sales terms and conditions are as follows:

1. A right to construct ditches and canals will be reserved to the United States.

2. All mineral rights will be reserved to the United States; however under Section 209 of FLPMA, the successful bidder may apply to purchase the mineral rights.

3. Title will be issued by a patent subject to all prior existing rights.

4. All bidders must be United States citizens; corporations must be authorized to own real property in the State of California; political subdivisions of the State and State instrumentalities must be authorized to hold property. Proof of meeting these requirements shall accompany bids.

5. Upon disqualification of an apparent high bidder, the next high bid will be honored. Bids will only be considered if they are made for at least the fair market value of the land, and bids must include all of the land in the parcel.

6. The BLM will reject or accept any and all offers, or withdraw any land or interest in land from sale, if in the opinion of the Authorized Officer consummation of the sale would not be in the best interest of the United States.

7. The parcels may have development restrictions placed on them by the County Planning Departments. This information is outlined in the Land Report available in the Ukiah District Office.

8. A reservation for an Oil and Gas Lease, CA 9973 will be incorporated into the patent for Parcel 3.

9. Yolo County Road 53 passes through Parcel 8.

The above-described land will be separately offered for sale by sealed bids. Each sealed bid shall be accompanied by certified check, postal money order, bank draft, or cashier's check made payable to the Department of Interior—BLM for not less than 20 percent of the bid. The sealed bid envelopes must be marked on the front lower left corner "Clear Lake Resource Area, August 1984, Land Sale, Parcel Number ——." If two or more qualified sealed bids for the same amount are received, then the apparent successful bidder will be determined by drawing.

The successful bidder shall submit the remainder of the full purchase price within 30 days of the sale date. Failure to submit the balance of the full bid within the above specified time limit shall result in cancellation of the sale and the deposit shall be forfeited. The next high bid will then be honored.

DATE: For a period on or before July 16, 1984, interested parties may submit comments.

ADDRESS: Comments and suggestions should be sent to: State Director, California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, the realty action will become a final

determination for the Bureau of Land Management.

FOR FURTHER INFORMATION CONTACT: Cathie Dokken, (707) 462–3873.

Van W. Manning,

District Manager, Ukiah.

[FR Doc. 84–14364 Filed 5–29–84; 8:45 am]

BILLING CODE 4310–84–M

Land Resource Management; Filing of Plat of Survey; Montana

AGENCY: Montana State Office, Bureau of Land Management.

ACTION: Notice of Filing of Plat of Survey.

SUMMARY: Plat of survey of the lands described below accepted April 13, 1984, will be officially filed in the Montana State Office effective 8 a.m. on July 16, 1984.

Principal Meridian, Montana

T. 2 N., R. 18 W.

This plat represents the dependent resurvey of a portion of Homestead Entry Survey No. 536, and the survey of Lot 6 in section 27, Township 2 North, Range 18 West, Principal Meridian, Montana. The area described is in Ravalli County.

This survey was requested by the U.S. Forest Service, Region 1, to facilitate a proposed land exchange.

EFFECTIVE DATE: July 16, 1984.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 222 North 32nd Street, P.O. Box 36800, Billings, Montana 59107.

Dated: May 16, 1984.

Linda M. Wagner,

Chief, Branch of Records.

[FR Doc. 84–14362 Filed 5–29–84; 8:45 am]

BILLING CODE 4310–DN–M

[CA 14013]

California, Arizona, New Mexico, and Texas; Modification of Right-of-Way Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Receipt of Right-of-Way Application.

SUMMARY: In the July 12, 1983, **Federal Register** (Vol. 48, No. 134, pp. 31911–31912), the Bureau of Land Management announced receipt of an application for a pipeline right-of-way from the All American Pipeline Co. The west terminus of the pipeline has been changed, adding San Luis Obispo and Santa Barbara to the list of counties crossed. The east terminus has also been changed deleting Ector and Midland and adding Ward, Crane, and Upton to the list of counties crossed.

FOR FURTHER INFORMATION CONTACT: Anyone wishing further detail regarding the project may write to: All American Pipeline Co., 6415 Katella Avenue, Cypress, California 90630.

Dated: May 21, 1984.

Robert F. Burford,

Director.

[FR Doc. 84–14395, Filed 5–29–84; 8:45 am]

BILLING CODE 4310–84–M

Nevada; Realty Action Exchange of Public and Private Lands

May 18, 1984.

The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Mount Diablo Meridian

T. 34 N., R. 57 E.,
Sec. 1, lots 1 and 2, S½NE¼, SE¼.
T. 35 N., R. 57 E.,
Sec. 36, E½NE¼, SE¼.
T. 34 N., R. 58 E.,
Sec. 4, lot 4, SW¼NW¼, SW¼, W½SE¼;
Sec. 5;
Sec. 6.
T. 35 N., R. 58 E.,
Sec. 16, SW¼;
Sec. 20;
Sec. 28;
Sec. 30, E½NW¼, E½;
Sec. 32;
Sec. 34, W½NW¼, SE¼NW¼, SW¼, NW¼SE¼.

Containing ± 4985.21 acres.

In exchange for these lands, the United States will acquire the following described lands:

Mount Diablo Meridian

T. 37 N., R. 56 E.,
Sec. 27, W½, SE¼.
T. 38 N., R. 56 E.,
Sec. 1;
Sec. 11, N½;
Sec. 12, S½SW¼, SW¼SE¼;
Sec. 13, N½;
Sec. 14, SE¼NE¼, S½;
Sec. 29.
T. 38 N., R. 57 E.,
Sec. 7;
Sec. 8, S½SW¼;
Sec. 17;
Sec. 19;
Sec. 20, NE¼SE¼.
Containing ± 4891.78 acres.

The purpose of the exchange is to acquire non-Federal land that contains demonstrated wildlife values and recreation potential. The exchange is consistent with the Bureau's land use plans and the public interest will be well served. No mineral estates will be exchanged.

The above lands will be subject to an appraisal to determine the value of the lands to be exchanged. The described lands may change to reflect equal value following the completion of the appraisal.

Lands to be transferred from the United States will be subject to the following reservations.

1. A right-of-way for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (26 Stat. 391; U.S.C. 945).

2. All minerals will be reserved to the United States. And will be subject to:

Those rights granted by oil and gas leases, N–9768, N–10295, N–10296, and N–12846, made under section 29 of the Act of February 25, 1920, 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570. This patent is issued subject to the right of the prior permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of the oil and gas leases, and any authorized extension of those leases. Upon termination or relinquishment of said oil and gas leases, this reservation shall terminate.

Publication of this Notice in the **Federal Register** will segregate the selected lands from all forms of appropriation under the public land laws including the mining and mineral leasing laws. This segregation will terminate upon the issuance of a patent or two years from the date of this Notice, or upon publication of a Notice of Termination.

Detailed information concerning the exchange is available for review at the Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nevada 8901. For a period of 45 days from the date of publication in the **Federal Register**, interested parties may submit comments to the District Manager at P.O. Box 831, Elko, Nevada 89801. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. If no action is taken by the State Director, this realty action will become the final determination of the Department of the Interior.

Rodney Harris,

District Manager.

[FR Doc. 84–14400 Filed 5–29–84; 8:45 am]

BILLING CODE 4310–HC–M

[N-38198]

Realty Action—Noncompetitive Sale Public Lands in Elko County, Nevada

May 18, 1984.

The following lands have been examined and identified as suitable for disposal by direct sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than fair market value. The lands will not be offered for sale until 60 days after the date of this notice.

Mount Diablo Meridian

T. 33 N., R. 51 E.,
Section 2, Lots 5–10 inclusive, S½NE¼ NE¼, SE¼NW¼NE¼, E½SW¼NE¼, S½SWSW¼NE¼, SE¼NE¼, SE¼.
T. 34 N., R. 51 E.,
Section 36, NW¼NW¼, S½NW¼, S½.
T. 33 N., R. 52 E.,
Section 6.
T. 34 N., R. 52 E.,
Section 31, Lots 3 & 4, Parcels A, B, & C, W½NE¼SW¼, SE¼NE¼SW¼, SE¼SW¼, SW¼SE¼.

The above described land comprising 1,614.43 acres will be offered as a direct sale to the Carlin Gold Mining Co. Disposal of the lands to Carlin Gold would allow expansion and development of the Gold Quarry Mine and mill which is adjacent to their existing mining activities. The project would provide jobs and boost the economy of the surrounding area; therefore, the proposal can be considered as having high public importance. Speculative bidding could jeopardize the project's timely completion and economic viability. In addition, substantial investment by Carline Gold has already been made on the subject lands under the authority of the Mining Law of 1872 and the regulations contained in 43 CFR 3809. Sale to another entity other than Carline Gold could prove detrimental to their existing operation as well as their planned expansion and development of the Gold Quarry Mine and mill.

The sale is consistent with the land use plan for the area in which the lands are located. The lands are not needed for any resource program and are not suitable for management by another Federal department or agency. The proposal has been reviewed and approved by the Eureka County Planning Commission.

The locatable and salable mineral estates have only nominal value and will be conveyed to the purchaser upon remittance of a $50.00 filing fee and $1,250.00 to recover administrative costs of report preparation.

The purchaser agrees that he takes the lands subject to the existing grazing use of Melvin Jones, holder of existing grazing authorization No. A084273. The rights of Melvin Jones to graze domestic lievstock in the amount of 140 AUMs on the lands shall cease on June 27, 1985. Upon conveyance of the lands, the purchaser will be entitled to receive grazing fees for the lands from Melvin Jones in an amount not to exceed that which would be authorized under the Federal grazing fee published annually in the **Federal Register.**

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. Oil and gas and geothermal resources will be reserved to the United States.

3. Ingress and egress to the James Creek Shelter archaeological site will be granted to authorized BLM employees or their representatives until December 31, 1985.

And will be subject to:

1. Those rights for aerial telephone line purposes granted to Nevada Bell, its successors or assigns, under Permit No. Elko–06155.

2. Those rights for buried telephone line purposes granted to Nevada Bell, its successors or assigns, under Permit No. N–31116.

3. Those rights granted by oil and gas leases N–35627, N–35628, and N–35662, made under section 29 of the Act of February 25, 1920, 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570. This patent is issued subject to the right of the prior permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of the said leases, and any authorized extension of those leases. Upon termination or relinquishment of said oil and gas leases, this reservation shall terminate.

Detailed information concerning the sale is available for review at the Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nevada 89801. For a period of 45 days from the date of publication in the **Federal Register,** interested parties may submit comments to the District Manager at P.O. Box 831, Elko, Nevada 89801. Any adverse comments will be evaluated by the State Director who may vacate or modify this reality action and issue a final determination. If no action is taken by the State Director, this reality action will become the final determination of the Deaprtment of the Interior.

Rodney Harris,
District Manager.

[FR Doc. 84–14401 Filed 5–29–84; 8:45 am]
BILLING CODE 4310–HC–M

Fish and Wildlife Service

Cancellation of Marine Mammal Permit; Dr. Richard N. Silverstein

On April 2, 1984, a notice was published in the **Federal Register** (49 FR 13083) that a permit had been issued to Dr. Richard N. Silverstein to sacrifice an adult polar bear for biomedical research. Dr. Silverstein will be unable to conduct the research as originally planned and his permit PRT 2–9931 has been cancelled.

Dated: May 16, 1984.

R. K. Robinson,
Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 84–14376 Filed 5–29–84; 8:45 am]
BILLING CODE 4310–55–M

Receipt of Application for Permit

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.*):

APP# 152394
Rare Feline Breeding Center, Inc., Center Hill, FL

The applicant requests a permit to export two Galapagos tortoises (*Geochelone elephantopus*) to the Takada Reptile and Wildlife Research Institute, Tokyo, Japan, for scientific research and enhancement of propagation.

APP# 5485AB
Florida State Museum, Gainesville, FL

The applicant requests a permit to import two male and two female Haitian solenodon (*Solenodon paradoxus*) from the Parque Zoologico Nacional-Zoodom, Santo Domingo, Dominican Republic, for scientific research and enhancement of propagation.

APP# 5599AB
Ivan J. Barac, Los Angeles, CA

The applicant requests a permit to import 6 pairs of captive-born black hooded red siskin (*Spinus cucullatus*) from various European breeders, for enhancement of propagation.

APP# 5985AB
Paul C. Hammond and David V. McCorkle, Philomath, OR

The applicant request a permit to take 10 male and 20 female Oregon silverspot butterflies (*Speyeria zerene hippolyta*) from Mt. Hebo, and Rock Creek, OR, for scientific research and enhancement of propagation.

APP# 152990
International Animal Exchange, Ferndale, MI

The applicant requests a permit to purchase in interstate commerce five Galapagos tortoises (*Geochelone elephantopus*) from Honolulu Zoo, HI, for enhancement of propagation.

APP# 9470BL
Weston Howland, Boston, MA

The applicant requests a permit to import a bontebok (*Damaliscus d. dorcas*) culled from the herd of Francis Bowker, Thorn Kloff, Grahamstown, South Africa, to enhance the propagation of the herd.

APP# 9904BL
Baltimore Zoo, Baltimore, MD

The applicant requests a permit to import 2 captive-born Manchurian cranes (*Grus japonesis*) from the Carl Hagenbeck Tierpark, Hamburg, West Germany, for enhancement of propagation and survival.

APP# 9415BL
Hogle Zoological Garden, Salt Lake City, UT

The applicant requests a permit to import 1 captive-born male snow leopard (*Panthera unica*) to the Maruyama Zoo, Sapporo, Japan, for enhancement of propagation and survival.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 601, 1000 North Glebe Road, Arlington, VA or by writing to the Director, U.S. Fish and Wildlife Service, P.O. Box 3654, Arlington, VA 22203

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRI 2/APP number when submitting comments.

Dated: May 16, 1984.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 84-14377 Filed 5-29-84; 8:45 am]
BILLING CODE 4310-55-M

Minerals Management Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting Raymond A. Hicks at 303-231-3147. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer at the phone number listed below and to the Office of Management and Budget Interior Department Desk Officer, Washington, D.C. 20503, telephone 202-395-7313.

Title: Production Accounting and Auditing System Reports on Solid Minerals.

Abstract: Production Accounting and Auditing System (PAAS) information is needed to provide comprehensive production and disposition data on solid minerals produced from Federal and Indian leases. The data will be used to monitor production and check reported disposition against royalties, and for audits. Lease and mine operators are affected.

Bureau Form Numbers: MMS-4050, MMS-4059A & B, MMS-4060A & B.

Frequency: Intermittently, monthly, quarterly.

Description of Respondents: Companies producing and processing solid minerals from Federal and Indian leases.

Annual Responses: 1,142.

Annual Burden Hours: 1,453.

Bureau Clearance Officer: Dorothy Christopher, 703-435-6213.

Dated: April 30, 1984.

Robert E. Boldt,

Associate Director for Royalty Management.

[FR Doc. 84-14399 Filed 5-29-84; 8:45 am]
BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than (ten days after publication). Comments may also be addressed to, and copies of the submissions obtained from the Reports Management Officer, Ms. Melita E. Yearwood, (202) 632-3378, IRM/MMP, Room 708B, SA-12, Washington, D.C. 20523.

Date Submitted: May 22, 1984.

Submitting Agency: Agency for International Development.

OMB Number: 0412-0014.

Form Number: AID 1550-6.

Type of Submission: Extension.

Title: Voluntary Agency Quarterly Report of Shipping Activity.

Purpose: This collection is a monitoring document used to pay ocean transportation costs incurred by certain private and voluntary organizations (PVOs) registered with AID, through the Ocean Freight Reimbursement Program, in shipping donated goods for use in their development and relief programs overseas.

Reviewer: Francine Picoult (202) 395-7231, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

Dated: May 22, 1984.

Fred D. Allen,

Acting Chief, Mandated Management Programs.

[FR Doc. 84-14356 Filed 5-29-84; 8:45 am]
BILLING CODE 6116-01-M

Advisory Committee on Voluntary Foreign Aid; Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting sponsored by the Advisory Committee on Voluntary Foreign Aid (ACVFA) which will be held at the Castelhaiti Hotel in Port-au-Prince, Haiti, June 17 through 20, 1984.

Sunday, June 17: 7:00 p.m.—Reception for conference participants; 8:30 p.m.—Dinner, Welcoming Remarks, and an Overview of Development Assistance in Haiti, presented by USAID/Haiti Mission Director Harlan Hobgood.

Monday, June 18: 8:00 p.m.—Site visits (all day).

Tuesday, June 19: 8:30 p.m.—Opening Statement, Representative of USG and of GOH Plenary Session Panel Discussions: Policy Dialogue and PVOs; PVO Role in Institutional Development; PVO Role in Techology Transfer. 2:00 p.m.—PVO Role in Small Enterprise Development; Collaboration Among PVOs.

Wednesday, June 20: 8:30 p.m.—Subcommittee Sessions (will be held two at a time for an hour and a half each, except the PVO-Corporate Relations Subcommittee which will meet all morning): Food for Peace/P.L. 480; PVO-Corporate Relations; PVO-University Relations; PVO Policy; Development Education; Women in Development. 3:00 p.m.—Closing Plenary Session (ACVFA Business Session). 5:00 p.m.—Closing Reception.

The meeting is open to the public. Any interested person may attend, request to appear before, or file statements with the Advisory Committee, in accordance with procedures established by the Committee. Written statements should be filed prior to the meeting and should be available in thirty (30) copies.

There will be AID representatives at the meeting. Those desiring further information may call (703) 237–9303, The Pragma Corporation, 815 West Broad Street, Falls Church, VA 22046, or contact by mail, the Advisory Committee on Voluntary Foreign Aid, Room 227, SA–8, Agency for International Development, Washington, D.C. 20523.

Dated: May 14, 1984.

Julia Chang Bloch,

Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance.

[FR Doc. 84–14355 Filed 5–29–84; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 388 (Sub No. 16)]

Intrastate Rail Rate Authority—Mississippi

AGENCY: Interstate Commerce Commission.

ACTION: Notice of extension of time for filing.

SUMMARY: The Mississippi Public Service Commission's request for an extension of time for filing revised standards and procedures is granted.

DATES: The revisions of Mississippi's submission are due on June 5, 1984.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289–4357 (DC Metropolitan area) for toll free (800) 424–5403.

Decided: May 22, 1984.

By the Commission, Frederic N. Andre, Acting Chairman.

James H. Bayne,

Secretary.

[FR Doc. 84–14390 Filed 5–29–84; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Safe Drinking Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that on May 3, 1984, a proposed Consent Decree in *United States* v. *Orviston Water Association*, Civil Action No. 83–0252, was lodged with the United States District Court for the Middle District of Pennsylvania. The complaint filed by the United States alleged violations of the Safe Drinking Water Act by Orviston Water Association due to its failure to monitor and report on water quality as required by the National Interim Primary Drinking Water regulations. The complaint sought injunctive relief to require defendant to comply with the monitoring and reporting requirements, and civil penalties for past violations. the Consent Decree provides that defendant will comply with the National Interim Primary Drinking Water regulations. Defendant is required to pay a civil penalty of $500.00 in settlement of the government's civil penalty claims.

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. *Orviston Water Association*, D.J. Ref. 90–5–1–1–1880.

The proposed Consent Decree may be examined at the office of the United States Attorney, Room 426, Post Office Building, Washington & Linden Streets, Scranton, Pennsylvania and at the Region III Office of the Environmental Protection Agency, 6th and Walnut Streets, Philadelphia, Pennsylvania. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht, II,

Assistant Attorney General Land and Natural Resources Division.

[FR Doc. 84–14396 Filed 5–29–84; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Divison

[Civil No. H–84–1938 etc.]

Proposed Final Judgments and Competitive Impact Statements; United States v. Steamship Trade Association of Baltimore, Inc., et al.

In the matter of: United States v. *Steamship Trade Association of Baltimore, Incorporated, et al.*, Civil No. H–84–1938; *United States* v. *Association of Ship Brokers and Agents (U.S.A.), Inc., et al.*, Civil No. H–84–1939; *United States* v. *Philadelphia Marine Trade Association, et al.*, Civil No. H–84–1940; and *United States* v. *West Gulf Maritime Association, et al.*, Civil No. H–84–1941: Proposed Final Judgments and Competitive Impact Statements.

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. section 16(b) through (h), that proposed Final Judgments, Stipulations and Competitive Impact Statements have been filed with the United States District Court for the District of Maryland in the above-referenced cases. The Complaints in these cases alleged that the defendants violated section 1 of the Sherman Act, 15 U.S.C. 1, by engaging in combinations and conspiracies to raise, fix and maintain the prices of port agent services in the ports of Baltimore, New York and Philadelphia, and in the West Gulf port range. The Complaints alleged that the defendants agreed on, prepared, revised, published, disseminated and used schedules of fees for port agent services provided to tramp vessels. A separate case challenged the alleged unlawful conduct in each of the four geographic areas. The proposed Judgments enjoin the defendants from conduct that would have the effect of fixing or maintaining the fees charged by port agents in any United States port. Each defendant is also required to take certain affirmative actions to avoid any repetition of the conspiracies.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the Federal Register and filed with the Court. Comments should be directed to Elliott M. Seiden, Chief, Transportation Section, Antitrust Division, Department of Justice, Room

8120 Star Building, Washington, D.C. 20530. (Telephone: 202–724–6349).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

United States of America, Plaintiff v. Steamship Trade Association of Baltimore, Incorporated; John S. Connor, Inc.; ITC Corporation of Baltimore; and Ramsay, Scarlett and Company, Inc., Defendants: Civil No. H–84–1938.

Filed: May 10, 1984.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: May 10, 1984.

For the Plaintiff: J. Paul McGrath, *Assistant Attorney General.* Joseph H. Widmar, Elliott M. Seiden, James R. Weiss, *Attorneys, U.S. Department of Justice.* J. Frederick Motz, *United States Attorney, District of Maryland;* Jack C. Tranter, *Assistant United States Attorney, District of Maryland.* Richard A. Feinstein, Michael H. Simon, Alan D. Maness, *Attorneys,* U.S. Department of Justice, P.O. Box 481, Washington, D.C. 20044, (202) 633–4772.

For the Defendants: John Henry Lewin, Jr., P.C., Venable, Baetjer and Howard, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Maryland 21201, Attorneys for Ramsay, Scarlett and Company, Inc.; Eugene D. Gulland, Esq., Covington & Burling, 1201 Pennsylvania Ave., NW., Washington, D.C. 20006, Attorneys for Steamship Trade Association of Baltimore, Incorporated; Lawrence Kill, Esq., Anderson, Russell, Kill & Olick, P.C., 666 Third Avenue, New York, New York 10017, Attorneys for ITO Corporation of Baltimore; John F. Graybeal, Esq., Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Ave., NW., Washington, D.C. 20006, Attorneys for John S. Connor, Inc.

United States of America, Plaintiff, v. Steamship Trade Association of Baltimore, Incorporated; John S. Conner, Inc.; ITO Corporation of Baltimore; and Ramsay, Scarlett and Company, Inc., Defendants; Civil No. H–84–1938.

Filed: May 10, 1984.

Final Judgment

Plaintiff, United States of America, having filed its Complaint in this action on May 10, 1984 and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law in this action, and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law in this action and upon consent of the parties hereto, it is hereby ordered, adjudged and decreed as follows:

I

This Court had jurisdiction of the subject matter of this action. To the extent that any defendant might object to personal jurisdiction or to venue, all such objections are waived for purposes of this action only. The Complaint states a claim upon which relief may be granted against each defendant under section 1 of the Sherman Act, 15 U.S.C. 1.

II

As used herein, the term:

(a) "person" means any individual, single proprietorship, partnership, firm, corporation, or association;

(b) "port agent services" means the services performed for the benefit of an owner or charterer of a cargo ship while the ship is in port, including, among other things: supervising the loading and unloading of cargo; arranging for berths, pilots and tugs; securing the necessary documentation; outfitting and repairing the ship; and attending to the needs of the crew;

(c) "port agent" means any person that, for a fee or commission, provides port agent services;

(d) "port agent defendants" means John S. Connor, Inc., ITO Corporation of Baltimore; and Ramsay, Scarlett and Company, Inc.;

(e) "tramp vessel" means a cargo ship that moves without being governed by a schedule of regular port calls, and does not include a liner vessel which regularly-travels between specified ports according to a schedule;

(f) "tramp agency services" means port agent services provided to tramp vessels;

(g) "rate" means any rate, price, tariff, charge, fee, or commission for port agent services and its associated terms and conditions; and

(h) "the port of Baltimore" means the port area located in the State of Maryland on the Patapsco River, off the northern portion of the Chesapeake Bay, and also includes the Chesapeake Bay anchorages in the State of Maryland at Annapolis, Cove Point, and Piney Point.

III

This Final Judgment applies to each defendant and to its respective officers, directors, employees, committees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service, service under Sections VII or VIII hereof, or otherwise. For purposes of this Section III, a member of the defendant association, Steamship Trade Association of Baltimore, Incorporated (hereinafter "STAB"), shall not be deemed to be in active concert or participation solely by virtue of its membership in STAB.

IV

(A) Defendants are enjoined and restrained from directly or indirectly entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan, or program to fix, maintain, suggest, or recommend the rates to be charged for tramp agency services in any United States port.

(B) The port agent defendants are enjoined and restrained from preparing, disseminating, maintaining or otherwise creating or issuing any schedules of rates to be charged for tramp agency services in any United States port, except for such schedules prepared independently and unilaterally by an individual port agent to set forth its own rates.

(C) Nothing in this Final Judgment shall prohibit any port agent defendant from:

(1) negotiating or agreeing with any customer that is not a port agent regarding the rates for tramp agency services provided to that customer;

(2) negotiating or agreeing with another port agent regarding rates for tramp agency services for a transaction in which one agent is the *bona fide* customer of the other agent (*i.e.*, the agent receiving tramp agency services is not acting on behalf of a third party to the transaction);

(3) establishing a rate or schedule of rates for tramp agency services by or on behalf of another port agent when the

port agent defendant has a *bona fide* existing or anticipated subagency relationship with the other port agent in a port where one party to the subagency relationship does not itself (*i.e.*, without the use of a subagent) provide tramp agency services and when the rate or schedule of rates established is limited to the rate or schedule of rates to be charged for tramp agency services pursuant to the subagency relationship;

(4) negotiating or agreeing on behalf of any customer with a second port agent regarding the second port agent's rates for tramp agency services furnished to or paid for by that customer;

(5) negotiating or agreeing with a second port agent acting on behalf of any customer regarding the port agent defendant's rates for tramp agency services furnished to or paid for by that customer; or

(6) preparing, disseminating, maintaining, reproducing or otherwise creating or issuing any schedules of rates established in compliance with paragraph (C) of this section.

Defendant STAB is enjoined and restrained from preparing, disseminating, maintaining, reproducing or otherwise creating or issuing any schedules of:

(a) rates to be charged by a port agent or port agents for tramp agency services in any United States port; or

(b) current or historical representative, average, minimum, or maximum rates charged by port agents for tramp agency services in any United States port.

VI

In the event that any defendant receives a request from any person for a schedule of mandatory, standard, recommended, suggested or minimum rates for tramp agency services in any United States port, other than a request for a port agent defendant's own rates for such services, such defendant shall advise the inquiring person that under United States law, each port agent must unilaterally and independently establish its own rates for tramp agency services, except for rates established in compilance with Section IV(C) of this Final Judgment.

VII

(A) Within thirty (30) days of the entry of this Final Judgment, each port agent defendant shall furnish a copy of the Complaint and Final Judgment in this action to each of its directors and officers and to each of its employees who has any responsibility for negotiating, establishing, or charging rates for tramp agency services in any United States port.

(B) Each port agent defendant shall furnish a copy of the Complaint and Final Judgment in this action to each person who, after the date of entry of this Final Judgment, becomes a director or officer of the port agent defendant or assumes any of the responsibilities described in Section VII(A).

(C) Within sixty (60) days of the entry of this Final Judgment, each port agent defendant shall have adopted.

(1) A written policy requiring its compliance with this Final Judgment which shall explain this Final Judgment and the obligations it imposes on the port agent defendant, and

(2) A written policy requiring its compliance with the antitrust laws which shall explain the forms of conduct that are prohibited as unlawful price fixing under section 1 of the Sherman Act, 15 U.S.C. 1, and the civil liabilities and criminal sanctions imposed by the Act,

and shall furnish a copy of such written compliance policies to each of the persons enumerated in Section VII(A) and (B).

(D) Within ninety (90) days of the entry of this Final Judgment, each port agent defendant shall serve upon plaintiff an affidavit as to the fact and manner of its compliance with Section VII(A), (B) and (C).

VIII

(A) Within thirty (30) days of the entry of this Final Judgment, defendant STAB shall furnish a copy of the Complaint and Final Judgment in this action to each of its officers, directors and members. STAB shall also promptly furnish a copy of the Complaint and Final Judgment to each person who becomes a member of STAB after the date of entry of this Final Judgment.

(B) Within ninety (90) days of the entry of this Final Judgment, defendant STAB shall serve upon plaintiff an affidavit as to the fact and manner of its compliance with paragraph (A) of this section.

IX

(A) Within fifteen (15) months of the entry of this Final Judgment, defendant STAB shall convene a membership meeting, of which at least thirty (30) days' notice shall previously have been given to all members. At such meeting, counsel or other qualified persons shall:

(1) describe and explain this Final Judgment, the obligations it imposes on the association and its members, and the compliance obligations that are imposed herein;

(2) describe and explain the forms of conduct that are prohibited as unlawful price fixing under section 1 of the Sherman Act, 15 U.S.C. 1, and the civil liabilities and criminal sanctions imposed by the Act; and

(3) answer members' questions concerning this Final Judgment and the provisions of the Sherman Act relating to price fixing.

(B) Similar meetings shall be convened, with similar notice to all members, no less frequently than once every twelve (12) months thereafter during the three years following the first such meeting.

(C) Within seven days after each such meeting, defendant STAB shall forward to the plaintiff an affidavit confirming that the required notice of the meeting was given and that the meeting was held and listing the persons in attendance at the meeting.

X

Each port agent defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of its assets used in the provision of port agent services, or all, or substantially all, of its assets used in the provision of port agent services in any United States port, that the acquiring party agree to be bound by the provisions of the Final Judgment in this action and furnish a copy of the Complaint and Final Judgment to such acquiring party. The acquiring party shall serve upon plaintiff its consent to be bound by this Final Judgment.

XI

For the purpose of determining or securing compliance with the Final Judgment in this action, and subject to any legally recognized privilege, from time-to-time:

(a) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted.

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(b) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's

principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

(c) No information or documents obtained by the means provided in this Section XI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(d) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party or divulging such material under the Freedom of Information Act, 5 U.S.C. 552.

XII

The Final Judgment in this action will expire on the tenth anniversary of its date of entry or, with respect to any particular provision, on any earlier date specified.

XIII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to the Final Judgment in this action to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XIV

Entry of the Final Judgment in this action is in the public interest.

Judge Alexander Harvey II,

United States District Judge.

United States of America, Plaintiff, v. Steamship Trade Association of Baltimore, Incorporated; John S. Connor, Inc.; ITO Corporation of Baltimore; and Ramsay, Scarlett and Company, Inc., Defendants: Civil No. H–84–1938.

Filed: May 10, 1984.

Competitive Impact Statement

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), the United States hereby files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this case. The defendants have stipulated their acceptance of the proposed Final Judgment.

I. The Nature and Purpose of the Proceeding

On May 10, 1984 the United States filed a civil antitrust suit alleging that the defendants, Steamship Trade Association of Baltimore, Incorporated ("STAB"); John S. Connor, Inc.; ITO Corporation of Baltimore; and Ramsay, Scarlett and Company, Inc., engaged in a combination and conspiracy to raise, fix and maintain the prices for port agent services provided to tramp vessels in the port of Baltimore ("the port") in violation of section 1 of the Sherman Act, 15 U.S.C. 1. The Complaint charges that the defendants agreed on, prepared, revised, published, disseminated, and used schedules of fees for port agent services provided to tramp vessels in the port.

The Complaint seeks a judgment by the Court declaring that each defendant has engaged in an unlawful combination and conspiracy in restraint of interstate and foeign commerce of the United States in violation of the Sherman Act. In addition, the Complaint seeks an order to enjoin and restrain defendants from engaging in such activities, or in other activities having a similar purpose or effect, in the future.

II. Description of the Practices Giving Rise to the Alleged Violation

Port agents are hired by the owners or the charterers of tramp vessels or liner vessels to provide port agent services while such vessels are in a particular port. Port agent services include, among other things: supervising the loading and unloading of cargo; arranging for berths, pilots and tugs; securing the necessary documentation; outfitting and repairing the ship; and attending to the needs of the crew. A tramp vessel is a cargo ship that moves without being governed by a schedule of regular port calls, unlike a liner vessel which regularly travels between specified ports according to a schedule.

Defendant STAB is a trade association which includes among its members firms that provide port agent services. The other defendants are port agent firms and are members of STAB.

The Government contends, and was prepared to show at trial, that, beginning at least as early as 1976 and continuing until at least 1981, the defendants and co-conspirators, including Kerr Steamship Company, Inc. and Lavino Shipping Company, engaged in a combination and conspiracy consisting of a continuing agreement, understanding and concern of action to raise, fix and maintain the prices charged for port agent services provided to tramp vessels in the port.

The Government's proof would have showed that the defendant port agent firms and co-conspirators periodically ageeed on, prepared and revised schedules of rates for port agent services provided to tramp vessels in the port. With the assistance of STAB, the defendant port agent firms and co-conspirators disseminated these schedules. The schedules were also forwarded to the Association of Ship Brokers and Agents (U.S.A.), Inc. ("ASBA") in New York City for publication in the ASBA Year Book.

Further, the defendant port agent firms used the fee schedules as a substantial part of their pricing structure in determining the amounts to be charged for services provided to tramp vessels in the port. The defendant and co-conspirator firms were among the principal companies providing port agent services to tramp vessels in the port, and in 1980, these firms generated revenues of more than $600,000 from servicing over 600 tramp vessels in the port. During the period covered by the Complaint, the tramp vessels for which these services were performed moved and carried cargo from one state to another or between the United States and foreign countries in a continuous and uninterrupted flow of interstate and foreign commerce.

The Complaint alleges the practices described above had the following effects, among others:

(a) fees for port agent services provided to tramp vessels in the port were raised, fixed and maintained at artificial and noncompetitive levels:

(b) competition for port agent services provided to tramp vessels in the port was restrained and suppressed; and

(c) the public was denied the benefits of free and open competition for port agent services provided to tramp vessels in the port.

III. Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that a Final Judgment, in

the form filed with the Court, may be entered by the Court at any time after the sixty-day waiting period provided by the Antitrust Procedures and Penalties Act, 15 U.S.C. 16. The proposed Final Judgment provides that the entry of that Judgment does not constitute any evidence against, or admission by, any party with respect to any issue of law or fact. Under the provisions of section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon the Court finding that entry of the Judgment will be in the public interest.

The proposed Final Judgment contains two principal forms of relief. First, the defendants are enjoined from repeating the behavior that characterized the combination and conspiracy. Second, the proposed Final Judgment places affirmative obligations on the defendants to provide certain affected persons in the industry with notice of this action and the Judgment in order to avoid a repetition of the unlawful conduct.

A. Prohibited Conduct

Section IV of the proposed Final Judgment prohibits the defendants from directly or indirectly agreeing to fix, suggest, or recommend the rates to be charged for port agent services for tramp vessels in any United States port. That section also prohibits the defendant port agent firms from jointly creating or revising schedules of rates for port agent services, except as provided in Paragraph (C) of Section IV. Paragraph (C) allows the defendant port agent firms to engage in certain practices that are unlikely to be anticompetitive. First, Paragraph (C) specifies that the port agent defendants are not prohibited from entering into fee agreements with their customers, including other port agents that are purchasing, as consumers, tramp agency services from a defendant. Second, Paragraph (C) permits port agent defendants to establish rates jointly pursuant to a *bona fide* subagency relationship. In a subagency relationship, the subagent acts as an extension of the primary agent, enabling the primary agent to obtain services for its customers in ports that the primary agent does not itself serve. Third, it is common in the port agent industry for the owner and the charterer of a single vessel to be represented by separate port agents. Contracts between the owner and charterer of a particular vessel often call for the charterer's agent to be paid by the owner. In that context, it may be necessary for the owner's agent to discuss with the charterer's agent the fee to be charged by the charterer's agent. Paragraph (C) permits such discussion and negotiation among port agents in these circumstances.

Section V of the proposed Final Judgment prohibits defendant STAB from preparing, disseminating, maintaining, reproducing or otherwise creating or issuing any lists or schedules of: (1) Fees or rates to be charged by a port agent or port agents for tramp vessels in any United States port; or (2) current or historical representative, average, minimum, or maximum fees or rates charged by port agents for tramp vessels in any United States port.

B. Affirmative Obligations of the Defendants

Section VI of the proposed Final Judgment requires any defendant that receives a request for a schedule of mandatory, standard, recommended, suggested or minimum rates for port agent services provided to tramp vessels in any United States port, other than the defendant's own rates, to advise the inquiring person that, under United States law, each port agent must unilaterally and independently establish its own rates for port agent services, except for those rates established in accordance with Section IV(C) of the Final Judgment.

Section VII requires each port agent defendant to furnish a copy of the Complaint and Final Judgment to its officers and directors and each of its employees with pricing responsibility for port agent services. Each port agent defendant must also furnish both documents to each person who becomes a director or officer or who assumes such pricing responsibility after the entry of the Judgment. In addition, each of the port agent defendants is required to establish a written policy ensuring its compliance with the antitrust laws and the requirements of the Judgment.

Section VIII requires defendant STAB to furnish a copy of the Complaint and the judgment to each of its officers, directors and members, and to furnish both documents to each person who becomes a member after the entry of the Judgment.

Section IX requires defendant STAB to convene a membership meeting at which counsel or other qualified persons must describe and explain the Final Judgment and the obligations it imposes, describe and explain the forms of conduct that are prohibited as price fixing under Section 1 of the Sherman Act and the penalties imposed by that Act, and answer members' questions concerning the Judgment and the Sherman Act. STAB must convene similar meetings no less frequently than once every twelve (12) months thereafter during the three years following the first such meeting.

Finally, under Section XI of the proposed Final Judgment the Justice Department will have access, upon reasonable notice, to the records and personnel of the defendants to determine and secure their compliance with the Judgment.

C. Scope of Proposed Final Judgment

(1) *Persons Bound by the Decree.* The proposed Final Judgment provides in Section III that its provisions apply to each defendant and to its respective officers, directors, employees, committees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of the Final Judgment by personal service, service under Sections VII or VIII of the Judgment, or otherwise. Section III also provides that, for purposes of Section III, a member of STAB shall not be deemed to be in active concert or participation solely by virtue of its membership in STAB. Section X of the Judgment prohibits each port agent defendant from selling or transferring all, or substantially all, of its assets used in the provisions of port agent services, or all, or substantially all, of its assets used in the provision of port agent services in any United States port, unless it furnishes to the acquiring party a copy of the Complaint and Final Judgment and the acquiring party agrees to be bound by the provisions of the Judgment. Section X also requires the acquiring party to serve upon the plaintiff confirmation of the acquiring party's consent to be bound by the Final Judgment.

(2) *Duration of the Decree.* Section XII provides that the proposed Final Judgment will expire on the tenth anniversary of its date of entry.

D. Effect of the Proposed Final Judgment on Competition

The Proposed Judgment is designed to prevent any recurrence of the unlawful conduct alleged in the Complaint. Compliance with the proposed Judgment will prevent collective action by port agents on rates charged for port agent services to tramp vessels.

IV. Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment would be a full trial of the case. In the view of the Department of

Justice, such a trial would involve substantial costs to the United States and is not warranted since the proposed Final Judgment provides the relief that the United states sought in its Complaint.

V. Remedies Available to Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney fees. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), this Final Judgment will have no *prima facie* effect in any lawsuit which may be brought against any defendant.

VI. Procedures Available for Modification of the Proposed Consent Judgment

The proposed Final Judgment is subject ot a stipulation between the Government and the defendants which provides that the Government may withdraw its consent to the proposed Judgment any time before entry of the proposed Judgment. By its terms, the proposed Judgment also provides for the Court's retention of jurisdiction in this action in order to permit any of the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the Final Judgment.

As provided by the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, any person wishing to comment upon the proposed Judgment may submit, within the statutory sixty-day period, written comments to the United States Department of Justice, Attention: Elliott M. Seiden, Chief, Transportation Section, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530. Such comments, and the Government's response to them, will be filed with the court and published in the **Federal Register**. The Government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

VII. Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Therefore, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Dated: May 10, 1984.

J. Frederick Motz,

United States Attorney, District of Maryland;

Jack C. Tranter,

Assistant United States Attorney, District of Maryland.

Richard A. Feinstein,

Michael H. Simon,

Alan D. Maness,

Attorneys, U.S. Department of Justice, P.O. Box 481, Washington, D.C. 20044, (202) 633–4772.

Certificate of Service

I hereby certify that a copy of the foregoing Competitive Impact Statement has been served by mail, this 10th day of May, 1984, on the following:

John Henry Lewin, Jr., P.C., Venable, Baetjer and Howard, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Maryland 21201

Lawrence Kill, Esq., Anderson, Russell, Kill & Olick, P.C., 666 Third Avenue, New York, New York 10017

Eugene D. Gulland, Esq., Covington & Burling, 1201 Pennsylvania Ave., NW., Washington, D.C. 20006

John F. Graybeal, Esq., Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Ave., NW., Washington, D.C. 20006

United States of America, Plaintiff, v. Association of Ship Brokers and Agents (U.S.A.), Inc.; Boyd, Weir & Sewell, Inc., Kerr Steamship Company, Inc.; and Norton, Lilly & Co., Inc., Defendents: Civil No. H–84–1939.

Filed: May 10, 1984.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plantiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendents and by filing that notice with the Court.

2. In the event plantiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: May 10, 1984.

For the Plantiff:

J. Paul McGrath,

Assistant Attorney General;

Joseph H. Widmar,

Elliott M. Seiden,

James R. Weiss,

Attorneys, U.S. Department of Justice;

J. Frederick Motz,

United States Attorney, District of Maryland;

Jack C. Tranter,

Assistant United States Attorney, District of Maryland.

Richard A. Feinstein,

Michael H. Simon,

Alan D. Maness,

Attorneys, U.S. Department of Justice, P.O. Box 481; Washington, D.C. 20044, (202) 633–4772.

For the Defendants:

Kenneth N. Laptook, Esq., Gifford, Woody, Palmer & Serles, fourteen Wall Street, New York, New York 10005,

Attorneys for Boyd, Weir & Sewell, Inc.;

John B. Daniels, Esq., Winthrop, Stimson, Putnam & Roberts, 40 Wall Street, New York, New York 10005,

Attorneys for Norton, Lilly & Co., Inc.;

Mel P. Barkan, Esq.,Brauner, Baron, Rosenzweig, Kligler, Sparber & Bauman, 120 Broadway, New York New York 10271,

Attorneys for Kerr Steamship Company, Inc.;

Fred D. Turnage, Esq., Cleary, Gottlieb, Steen & Hamilton, 1752 N St., NW Washington, D.C. 20036,

Attorneys for Association of Ship Brokers and Agents (U.S.A.), Inc.

United States of America, Planintiff, v. Association of Ship Brokers and Agents (U.S.A.), Inc.; Boyd, Weir & Sewell, Inc.; and Norton, Lilly & Co., Inc., Defendants: Civil No. H–84–1939.

Filed: May 10, 1984.

Final Judgment

Plaintiff, United States of America, having filed its complaint in this action on May 10, 1984, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law in this action, and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law in this action and upon consent of the parties hereto, it is hereby ORDERED, ADJIUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter of this action. To the extent that any defendant might object to personal jurisdiction or to venue, all

such objections are waived for purposes of this action only. The Complaint states a claim upon which relief may be granted against each defendant under section 1 of the Sherman Act, 15 U.S.C. 1.

II

As used herein, the term:

(a) "person" means any individual, single proprietorship, partnership, firm, corporation, or association;

(b) "port agent services" means the services performed for the benefit of an owner or charterer of a cargo ship while the ship is in port, including, among other things: supervising the loading and unloading of cargo; arranging for berths, pilots and tugs; securing the necessary documentation; outfitting and repairing the ship; and attending to the needs of the crew;

(c) "port agent" means any person that, for a fee or commission, provides port agent services;

(d) "port agent defendant" means Boyd, Weir & Sewell, Inc.; Kerr Steamship Company, Inc., and Norton, Lilly & Co., Inc.;

(e) "tramp vessel" means a cargo ship that moves without being governed by a schedule of regular port calls, and does not include a liner vessel which regularly travels between specified ports according to a schedule;

(f) "tramp agency services" means port agent services provided to tramp vessels;

(g) "rate" means any rate, price, tariff, charge, fee, or commission for port agent services and its associated terms and conditions; and

(h) "the port of New York" means the The New York-New Jersey Port District, which encompasses parts of the States of New York and New Jersey within an approximate 25 mile radius of the Statue of Liberty

III

This Final Judgment applies to each defendant and to its respective officers, directors, employees, committees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgement by personal service, service under Sections VII or VIII hereof, or otherwise. For purposes of this Section III, a member of the defendant association, Association of Ship Brokers and Agents (U.S.A.), Inc. (hereinafter "ASBA"), shall not be deemed to be in active concert or participation solely by virtue of its membership in ASBA.

IV

(A) Defendants are enjoined and restrained from directly or indirectly entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan, or program to fix, maintain, suggest, or recommend the rates to be charged for tramp agency services in any United States port.

(B) The port agent defendants are enjoined and restrained from preparing, disseminating, maintaining or otherwise creating or issuing any schedules of rates to be charged for tramp agency services in any United States port, except for such schedules prepared independently and unilaterally by an individual port agent to set forth its own rates.

(C) Nothing in this Final Judgment shall prohibit any port agent defendant from:

(1) negotiating or agreeing with any customer that is not a port agent regarding the rates for tramp agency services provided to that customer;

(2) negotiating or agreeing with another port agent regarding rates for tramp agency services for a transaction in which one agent is the *bona fide* customer of the other agent (*i.e.*, the agent receiving tramp agency services is not acting on behalf of a third party to the transaction);

(3) establishing a rate or schedule of rates for tramp agency services by or on behalf of another port agent when the port agent defendant has a *bona fide* existing or anticipated subagency relationship with the other port agent in a port where one party to the subagency relationship does not itself (*i.e.* without the use of a subagent) provide tramp agency services and when the rate or schedule of rates established is limited to the rate or schedule of rates to be charged for tramp agency services pursuant to the subagency relationship;

(4) negotiating or agreeing on behalf of any customer with a second port agent regarding the second port agent's rates for tramp agency services furnished to or paid for by that customer;

(5) negotiating or agreeing with a second port agent acting on behalf of any customer regarding the port agent defendant's rates for tramp agency services furnished to or paid for by that customer; or

(6) preparing, disseminating, maintaining, reproducing or otherwise creating or issuing any schedules of rates established in compliance with paragraph (C) of this section.

V

(A) Defendant ASBA is enjoined and restrained from preparing, disseminating, maintaining, reproducing or otherwise creating or issuing any schedules of:

(1) rates to be charged by a port agent or port agents for tramp agency services in any United States port; or

(2) current or historical representative, average, minimum, or maximum rates charged by port agents for tramp agency services in any United States port.

(B) Nothing in this Final Judgment shall prohibit defendant ASBA from publishing schedules of rates for tramp agency services in any United States port, *provided* that:

(1) defendant ASBA shall include all such schedules in a single annual publication;

(2) defendant ASBA shall publish only schedules of rates that were unilaterally and independently established by port agents;

(3) defendant ASBA shall publish a schedule of rates only if the port agent submitting the schedule for publication also simultaneously submits to defendant ASBA an affidavit in the form contained in Appendix A to this Final Judgment and signed by a responsible official of the port agent;

(4) defendant ASBA shall retain for the term of this Final Judgment all affidavits it receives pursuant to Section V(B)(3), except defendant ASBA may be required to provide one or more affidavits to the Department of Justice in accordance with Section XI(a)(1);

(5) defendant ASBA shall publish separate schedules for at least five different port agents for any port for which defendant ASBA publishes schedules in any year; and

(6) such publication includes a notice in the form contained in paragraph (A) of Appendix B to this Final Judgment.

VI.

In the event that any defendant receives a request from any person for a schedule of mandatory, standard, recommended, suggested or minimum rates for tramp agency services in any United States port, other than a request for a port agent defendant's own rates for such services, such defendant shall advise the inquiring person that under United States law, each port agent must unilaterally and independently establish its own rates for tramp agency services, except for rates established in compliance with Section IV(C) of this Final Judgment.

VII

(A) Within thirty (30) days of the entry of this Final Judgment, each port agent defendant shall furnish a copy of the Complaint and Final Judgment in this

action to each of its directors and officers and each of its employees who has any responsibility for negotiating, establishing, or charging rates for tramp agency services in any United States port.

(E) Each port agent defendant shall furnish a copy of the Complaint and Final Judgment in this action to each person who, after the date of entry of this Final Judgment, becomes a director or officer of the port agent defendant or assumes any of the responsibilities described in Section VII (A).

(C) Within sixty (60) days of the entry of this Final Judgment, each port agent defendant shall have adopted

(1) a written policy requiring its compliance with this Final Judgment which shall explain this Final Judgment and the obligations it imposes on the port agent defendant, and

(2) a written policy requiring its compliance with the antitrust laws which shall explain the forms of conduct that are prohibited as unlawful price fixing under Section 1 of the Sherman Act, 15 U.S.C. 1, and the civil liabilities and criminal sanctions imposed by the Act,

and shall furnish a copy of such written compliance policies to each of the persons enumerated in Section VII (A) and (B).

(D) Within ninety (90) days of the entry of this Final Judgment, each port agent defendant shall serve upon plaintiff and affidavit as to the fact and manner of its compliance with Section VII (A), (B) and (C).

VIII

(A) Within thirty (30) days of the entry of this Final Judgment, defendant ASBA shall furnish a copy of the Complaint and Final Judgment in this action to each of its officers, directors and members. ASBA shall also promptly furnish a copy of the Complaint and Final Judgment to each person who becomes a member of ASBA after the date of entry of this Final Judgment.

(B) Defendant ASBA is ordered to publish a notice, in the form contained in Appendix B to this Final Judgment, in the first edition of its Year Book published after the effective date of this Final Judgment.

(C) Within ninety (90) days of the entry of this Final Judgment, defendant ASBA shall serve upon plaintiff an affidavit as to the fact and manner of its compliance with paragraphs (A) and (B) of this section.

IX

(A) Within fifteen (15) months of the entry of this Final Judgment, defendant ASBA shall convene a membership meeting, of which at least (30) days' notice shall previously have been given to all members. At such meeting, counsel or other qualified persons shall:

(1) describe and explain this Final Judgment, the obligations it imposes on the association and its members, and the compliance obligations that are imposed herein;

(2) describe and explain the forms of conduct that are prohibited as unlawful price fixing under Section 1 of the Sherman Act, 15 U.S.C. 1, and the civil liabilities and criminal sanctions imposed by the Act; and

(3) answer members' questions concerning this Final Judgment and the provisions of the Sherman Act relating to price fixing.

(B) Similar meetings shall be convened, with similar notice to all members, no less frequently than once every twelve (12) months thereafter during the three years following the first such meeting.

(C) Within seven days after each such meeting, defendant ASBA shall forward to the plaintiff an affidavit confirming that the required notice of the meeting was given and that the meeting was held and listing the persons in attendance at the meeting.

X

Each port agent defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of its assets used in the provision of port agent services, or all, or substantially all, of its assets used in the provision of port agent services in any United States port, that the acquiring party agree to be bound by the provisions of the Final Judgment in this action and furnish a copy of the Complaint and Final Judgment to such acquiring party. The acquiring party shall serve upon plaintiff its consent to be bound by this Final Judgment.

XI

For the purpose of determining or securing compliance with the Final Judgment in this action, and subject to any legally recognized privilege, from time-to-time:

(a) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(b) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

(c) No information or documents obtained by the means provided in this Section XI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(d) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party or divulging such material under the Freedom of Information Act, 5 U.S.C. 552.

XII

The Final Judgment in this action will expire on the tenth anniversary of its date of entry or, with respect to any particular provision, on any earlier date specified.

XIII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to the Final Judgment in this action to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith,

and for the punishment of any violation hereof.

XIV

Entry of the Final Judgment in this action is in the public interest.

Judge Alexander Harvey II,

United States District Judge.

Appendix A

I have read the provisions of the Final Judgment entered by the District Court in *United States v. Association of Ship Brokers and Agents (U.S.A.), Inc., et al.* and understand the obligations which it imposes on the defendants in that case. I submit this affidavit in connection with the transmission to the ASBA of *(name of corporation's)* schedule of tramp agency fees and have knowledge of the circumstances relating to the creation and intended use of that schedule of fees. Accordingly, I hereby certify that:

1. the schedule was unilaterally and independently established;

2. no one representing *(name of corporation)* has agreed with any representative of any other port agent to adhere to the rates contained in this schedule; and

3. prior to this submission, no one representing *(name of corporation)* has discussed with any representative of any other port agent the rates contained in this schedule [except for discussions permitted by subparagraphs IV (C) (2–6) of the above-referenced Final Judgment].

s/———————————

Sworn and subscribed to before me at ——— this ——— day of ———, 19——.

Notary Public ——— ———————————

Appendix B

(A) Notice is hereby provided of the following:

1. The Association of Ship Brokers and Agents (U.S.A.), Inc. (hereinafter "ASBA") does not authorize the creation, distribution or use of any mandatory, standard, recommended, suggested, or minimum rates for port agent services provided to tramp vessels in any United States port;

2. ASBA takes no position with respect to what constitutes an appropriate rate for such port agent services; and

3. Under United States law, each port agent must unilaterally and independently establish its own rates for port agent services, except for rates for services provided pursuant to a *bona fide* subagency relationship.

(B) This notice is provided as required by the terms of the settlement of a civil lawsuit filed by the Department of Justice (hereinafter the "Department") on ———, 1984, challenging as a violation of the antitrust laws the creation, distribution, and use of schedules of rates for port agent services provided to tramp vessels in the port of New York. On the same date, the Department filed three other civil lawsuits challenging similar conduct in the ports of Philadelphia, Baltimore and the West Gulf. The following defendants were named in the four lawsuits:

1. With respect to the port of New York—ASBA; Boyd, Weir & Sewell, Inc.; Kerr Steamship Company, Inc.; and Norton Lilly & Co., Inc.;

2. With respect to the port of Philadelphia—Philadelphia Marine Trade Association; Lavino Shipping Company; Rice, Unruh Co.; Robinson & Mastrangelo, Inc.; and Stockard Shipping & Terminal, Co.;

3. With respect to the port of Baltimore—Steamship Trade Association of Baltimore, Incorporated; John S. Connor, Inc.; ITO Corporation of Baltimore; and Ramsay, Scarlett and Company, Inc.; and

4. With respect to the West Gulf ports—West Gulf Maritime Association; Biehl & Co.; Hansen & Tidemann, Inc.; and Strachan Shipping Company.

(C) In each of these cases the Department and the defendants agreed upon the terms of a consent decree, and all four proposed judgments were then presented to the district court. After providing an opportunity for public comment, the Court accepted the proposed decrees, thus settling the four civil actions. As part of the Court's order, the defendants were enjoined from creating, distributing or using jointly established schedules of rates and were also required to develop and implement antitrust education and compliance programs. The consent decrees do not constitute an admission or finding of violation of law by any of the defendants.

United States of America, Plaintiff v. Association of Ship Brokers and Agents (U.S.A.), Inc.; Boyd, Weir & Sewell, Inc.; Kerr Steamship Company, Inc.; and Norton, Lilly & Co., Inc., Defendants: Civil No. H–84–1939.

Filed: May 10, 1984.

Competitive Impact Statement

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), the United States hereby files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this case. The defendants have stipulated their acceptance of the proposed Final Judgment.

I. The Nature and Purpose of the Proceeding

On May 10, 1984 the United States filed a civil antitrust suit alleging that the defendants, Association of Ship Brokers and Agents (U.S.A.), Inc., ("ASBA"); Boyd, Weir & Sewell, Inc.; Kerr Steamship Company, Inc.; and Norton, Lilly & Co., Inc., engaged in a combination and conspiracy to raise, fix and maintain the prices for port agent services provided to tramp vessels in the port of New York ("the port") in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The Complaint charges that the defendants agreed on, prepared, revised, published, disseminated, and used schedules of fees for port agent services provided to tramp vessels in the port.

The Complaint seeks a judgment by the Court declaring that each defendant has engaged in an unlawful combination and conspiracy in restraint of interstate and foreign commerce of the United States in violation of the Sherman Act. In addition, the Complaint seeks an order to enjoin and restrain defendants from engaging in such activities, or in other activities having a similar purpose or effect, in the future.

This civil case follows a related criminal prosecution against these four defendants, filed on December 16, 1983 in the United States District Court for the Southern District of New York. That prosecution similarly charged a violation of the antitrust laws of the United States and challenged the creation, distribution, and use of schedules of rates for port agent services provided to tramp vessels in the port of New York. Pursuant to a plea agreement, the defendants entered pleas of *nolo contendere* and were fined by the Court.

II. Description of the Practices Giving Rise to the Alleged Violation

Port agents are hired by the owners or the charterers of tramp vessels or liner vessels to provide port agent services while such vessels are in a particular port. Port agent services include, among other things: supervising the loading and unloading of cargo; arranging for berths, pilots and tugs; securing the necessary documentation; outfitting and repairing the ship; and attending to the needs of the crew. A tramp vessel is a cargo ship that moves without being governed by a schedule of regular port calls, unlike a liner vessel which regularly travels between specified ports according to a schedule.

Defendant ASBA is a trade association which includes among its members firms that provide port agent services. The other defendants are port agent firms and are members of ASBA.

The Government contends, and was prepared to show at trial, that, beginning at least as early as 1976 and continuing until at least 1981, the defendants and co-conspirators engaged in combination and conspiracy consisting of a continuing agreement, understanding and concert of action to raise, fix and maintain the prices charged for port agent services provided to tramp vessels in the port.

The Government's proof would have showed that the defendant port agent firms and co-conspirators periodically agreed on, prepared and revised schedules of rates for port agent services provided to tramp vessels in the port. With the assistance of ASBA, the defendant port agent firms and co-conspirators published and

disseminated these schedules. Further, the defendant port agent firms used the fee schedules as a substantial part of their pricing structure in determining the amounts to be charged for services provided to tramp vessels in the port. The defendant firms were among the principal companies providing agent services to tramp vessels in the port, and in 1980, these firms generated revenues of more than $400,000 from servicing over 400 tramp vessels in the port. During the period covered by the Complaint, the tramp vessels for which these services were performed moved and carried cargo from one state to another or between the United States and foreign countries in a continuous and uninterrupted flow of interstate and foreign commerce.

The Complaint alleges the practices described above had the following effects, among others:

(a) fees for port agent services provided to tramp vessels in the port were raised, fixed and maintained at artificial and noncompetitive levels;

(b) competition for port agent services provided to tramp vessels in the port was restrained and suppressed; and

(c) the public was denied the benefits of free and open competition for port agent services provided to tramp vessels in the port.

III. Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that a Final Judgment, in the form filed with the Court, may be entered by the Court at any time after the sixty-day waiting period provided by the Antitrust Procedures and Penalties Act, 15 U.S.C. 16. The proposed Final Judgment provides that the entry of that Judgment does not constitute any evidence against, or admission by, any party with respect to any issue of law of fact. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon the Court finding that entry of the Judgment will be in the public interest.

The proposed Final Judgment contains two principal forms of relief. First, the defendants are enjoined from repeating the behavior that characterized the combination and conspiracy. Second, the proposed Final Judgment places affirmative obligations on the defendants to provide certain affected persons in the industry with notice of this action and the Judgment in order to avoid a repetition of the unlawful conduct.

A. Prohibited Conduct

Section IV of the proposed Final Judgment prohibits the defendants from directly or indirectly agreeing to fix, suggest, or recommend the rates to be charged for port agent services for tramp vessels in any United States port. That section also prohibits the defendant port agent firms from jointly creating or revising schedules of rates for port agent services, except as provided in Paragraph (C) of Section IV. Paragraph (C) allows the defendant port agent firms to engage in certain practices that are unlikely to be anticompetitive. First, Paragraph (C) specifies that the port agent defendants are not prohibited from entering into fee agreements with their customers, including other port agents that are purchasing, as consumers, tramp agency services from a defendant. Second, Paragraph (C) permits port agent defendants to establish rates jointly pursuant to a *bona fide* subagency relationship. In a subagency relationship, the subagent acts as an extension of the primary agent, enabling the primary agent to obtain services for its customers in ports that the primary agent does not itself serve. Third, it is common in the port agent industry for the owner and the charterer of a single vessel to be represented by separate port agents. Contracts between the owner and charterer of a particular vessel often call for the charterer's agent to be paid by the owner. In that context, it may be necessary for the owner's agent to discuss with the charterer's agent the fee to be charged by the charterer's agent. Paragraph (C) permits such discussion and negotiation among port agents in these circumstances.

Section V of the proposed Final Judgment prohibits defendant ASBA from preparing, disseminating, maintaining, reproducing or otherwise creating or issuing any lists or schedules of: (1) Fees or rates to be charged by a port agent or port agents for tramp vessels in any United States port; or (2) current or historical representative, average, minimum, or maximum fees or rates charged by port agents for tramp vessels in any United States port. Paragraph (B) of that section, however, would allow ASBA to disseminate a single annual publication that would include the independently-established price lists of port agent firms, provided that the publication includes seperate schedules from at least five different port agents for any port for which defendant ASBA publishes schedules. The purpose of this provision is to allow defendant ASBA to disseminate information about prices for port agent services in a manner that may promote competition among port agents.

B. Affirmative Obligations of the Defendants

Section VI of the proposed Final Judgment requires any defendant that receives a request for a schedule of mandatory, standard, recommended, suggested or minimum rates for port agent services provided to tramp vessels in any United States port, other than the defendant's own rates, to advise the inquiring person that, under United States law, each port agent must unilaterally and independently establish its own rates for port agent services, except for those rates established in accordance with Section IV(C) of the Final Judgment.

Section VII requires each port agent defendant to furnish a copy of the Complaint and Final Judgment to its officers and directors and each of its employees with pricing responsibility for port agent services. Each port agent defendant must also furnish both documents to each person who becomes a director or officer or who assumes such pricing responsibility after the entry of the Judgment. In addition, each of the port agent defendants is required to establish a written policy ensuring its compliance with the antitrust laws and the requirements of the Judgment.

Section VIII requires defendant ASBA to furnish a copy of the Complaint and the Judgment to each of its officers, directors and members, and to furnish both documents to each person who becomes a member after the entry of the Judgment. In addition, defendant ASBA is required to publish in its Year Book a notice, in the form contained in Appendix B to the proposed Final Judgment, containing information about the lawful establishment of rates for port agent services. The published notice will also describe the four civil actions that the United States has filed against the trade associations and port agent firms involved in providing port agent services to tramp vessels in the ports of New York, Philadelphia, and Baltimore and in the West Gulf ports.

Section IX requires defendant ASBA to convene a membership meeting at which counsel or other qualified persons must describe and explain the Final Judgment and the obligations it imposes, describe and explain the forms of conduct that are prohibited as price fixing under Section 1 of the Sherman Act and the penalties imposed by that Act, and answer members' questions concerning the Judgment and the Sherman Act. ASBA must convene similar meetings no less frequently than

once every twelve (12) months thereafter during the three years following the first such meeting.

Finally, under section XI of the proposed Final Judgment the Justice Department will have access, upon reasonable notice, to the records and personnel of the defendants to determine and secure their compliance with the judgment.

C. Scope of Proposed Final Judgment

(1) *Persons Bound by the Decree.* The proposed Final Judgment provides in Section III that its provisions apply to each defendant and to its respective officers, directors, employees, committees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of the Final Judgment by personal service, service under Sections VII or VIII of the Judgment, or otherwise. Section III also provides that, for purposes of section III, a member of ASBA shall not be deemed to be in active concert or participation solely by virtue of its membership in ASBA. Section X of the Judgment prohibits each port agent defendant from selling or transferring all, or substantially all, of its assets used in the provision of port agent services, or all, or substantially all, of its assets used in the provision of port agent services in any United States port, unless it furnishes to the acquiring party a copy of the Complaint and Final Judgment and the acquiring party agrees to be bound by the provisions of the judgment. Section X also requires the acquiring party to serve upon the plaintiff confirmation of the acquiring party's consent to be bound by the Final Judgment.

(2) *Duration of the Decree.* Section XII provides that the proposed Final Judgment will expire on the tenth anniversary of its date of entry.

D. Effect of the Proposed Final Judgment on Competition

The Proposed Judgment is designed to prevent any recurrence of the unlawful conduct alleged in the Complaint. Compliance with the proposed Judgment will prevent collective action by port agents on rates charged for port agent services to tramp vessels.

IV. Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment would be a full trial of the case. In the view of the Department of Justice, such a trial would involve substantial costs to the United States and is not warranted since the proposed Final Judgment provides the relief that the United States sought in its Complaint.

V. Remedies Available to Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney fees. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), this Final Judgment will have no *prima facie* effect in any lawsuit which may be brought against any defendant.

VI. Procedures Available for Modification of the Proposed Consent Judgment

The proposed Final Judgment is subject to a stipulation between the Government and the defendants which provides that the Government may withdraw its consent to the proposed judgment any time before entry of the proposed Judgment. By its terms, the proposed Judgment also provides for the Court's retention of Jurisdiction in this action in order to permit any of the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the Final Judgment.

As provided by the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, any person wishing to comment upon the proposed Judgment may submit, within the statutory sixty-day period, written comments to the United States Department of Justice, Attention: Elliott M. Seiden, Chief, Transportation Section, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530. Such comments, and the Government's response to them, will be filed with the Court and published in the **Federal Register.** The Government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

VII. Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Therefore, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Dated: May 10, 1984.

J. Frederick Motz,

United States Attorney District of Maryland:

Jack C. Tranter,

Assistant United States Attorney, District of Maryland:

Richard A Feinstein,

Michael H. Simon,

Alan D. Maness,

Attorneys, U.S. Department of Justice, P.O. Box 481, Washington, D.C. 20044, (202) 633-4772.

Certificate of Service

I hereby certify that a copy of the foregoing Competitive Impact Statement has been served by mail, this 10th day of May, 1984, on the following:

Kenneth N. Laptook, Esq., Gifford, Woody, Palmer & Serles, Fourteen Wall Street, New York, New York 10005

Mel P. Barkan, Esq., Brauner, Baron, Rosenzweig, Kligler, Sparber & Bauman, 120 Broadway, New York, New York 10271

John B. Daniels, Esq., Winthrop, Stimson, Putnam & Roberts, 40 Wall Street, New York, New York 10005

Fred D. Turnage, Esq., Cleary, Gottlieb, Steen & Hamilton, 1752 N St., NW., Washington, D.C. 20036

United States of America, Plaintiff, v. Philadelphia Marine Trade Association; Lavino Shipping Company; Rice, Unruh Co.; Robinson & Mastrangelo, Inc.; and Stockard Shipping & Terminal Co., Defendants: Civil No. H-84-1940.

Filed: May 10, 1984.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: May 10, 1984.

J. Paul McGrath,

Assistant Attorney General:

Joseph H. Widmar,

Elliott M. Seiden,

James R. Weiss,

Attorneys, U.S. Department of Justice.

J. Frederick Motz,

United States Attorney, District of Maryland:

Jack C. Tranter,

Assistant United States Attorney, District of Maryland.

Richard A. Feinstein,

Michael H. Simon,

Alan D. Maness,

Attorneys, U.S. Department of Justice, P.O. Box 481, Washington D.C. 20044, (202) 633-4772.

For the Defendants:

Helen Pudlin, Esq., Ballard, Spahr, Andrews, & Ingersoll, 30 South 17th Street, 20th Floor, Philadelphia, Pa. 19103,

Attorneys for Rice, Unruh Co.,

Richard C. Rizzo, Esq., Dechert, Price & Rhoads, 3400 Centre Square West, 1500 Market Street, Philadelphia, Pa. 19102,

Attorneys for Stockard Shipping & Terminal Co.;

Francis A. Scanlan, Esq., Deasey, Scanlan & Bender, Ltd., Suite 2900, Two Girard Plaza, Philadelphia, Pa. 19102,

Attorneys for Philadelphia Marine Trade Association;

Jamie L. Whitten, Esq., Lipsen, Hamberger, Whitten & Hamberger, 1725 DeSales Street, NW., Washington, D.C. 20036,

Attorneys for Robinson & Mastrangelo, Inc.;

Gregory T. Magarity, Esq., Wolf, Block, Schorr and Solis-Cohen, Twelfth Floor Parkard Building, S.E. Corner 15th and Chestnut Streets, Philadelphia, Pa. 19102,

Attorneys for Lavino Shipping Company.

United State of America, Plaintiff, v. Philadelphia Marine Trade Association; Lavino Shipping Company; Rice, Unruh Co.; Robinson & Mastrangelo, Inc.; and Stockard Shipping & Terminal Co., Defendants: Civil No. H-84-1940.

Filed: May 10, 1984.

Final Judment

Plaintiff, United States of America, having filed its Complaint in this action on May 10, 1984 and plaintiff and defendants, by their respective attorneys, having consented to the entry of the Final Judgment without trial or adjudication of any issue of fact or law in this action, and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue:

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law in this action and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter of this action. To the extent that any defendant might object to personal jurisdiction or the venue, all such objections are waived for purposes of this action only. The Complaint states a claim upon which relief may be granted against each defendant under section 1 of the Sherman Act, 15 U.S.C. 1.

II

As used herein, the term:

(a) "person" means any individual, single proprietorship, partnership, firm, corporation, or association;

(b) "port agent services" means the services performed for the benefit of an owner or charterer of a cargo ship while the ship is in port, including, among other things: supervising the loading and unloading of cargo; arranging for berths, pilots and tugs; securing the necessary documentation; outfitting and repairing the ship; and attending to the needs of the crew;

(c) "port agent" means any person that, for a fee or commission, provides port agent services;

(d) "port agent defendants" means Lavino Shipping Company; Rice, Unruh Co.; Robinson & Mastrangelo, Inc.; and Stockard Shipping & Terminal, Co.;

(e) "tramp vessel" means a cargo ship that moves without being governed by a schedule of regular port calls, and does not include a liner vessel which regularly travels between specified ports according to a schedule;

(f) "tramp agency services" means port agent services provided to tramp vessels;

(g) "rate" means any rate, price, tariff, charge, fee, or commission for port agent services and its associated terms and conditions; and

(h) "the port of Philadelphia" means the port areas located within the 135 mile distance along the Delaware Bay and River from the Atlantic Ocean to the City of Trenton and includes parts of the States of Pennsylvania, Delaware and New Jersey.

III

This Final Judgment applies to each defendant and to its respective officers, directors, employees, committees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service, service under Sections VII or VIII hereof, or otherwise. For purposes of this Section III, a member of the defendant association, Philadelphia Marine Trade Association (hereinafter "PMTA"), shall not be deemed to be in active concert or participation solely by virtue of its membership in PMTA.

IV

(A) Defendants are enjoined and restrained from directly or indirectly-entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan, or program to fix, maintain, suggest, or recommend the rates to be charged for tramp agency services in any United States port.

(B) The port agent defendants are enjoined and restrained from preparing, disseminating, maintaining or otherwise creating or issuing any schedules of rates to be charged for tramp agency services in any United States port, except for such schedules prepared independently and unilaterally by an individual port agent to set forth its own rates.

(C) Nothing in this Final Judgment shall prohibit any port agent defendent from:

(1) negotiating or agreeing with any customer that is not a port agent regarding the rates for tramp agency services provided to that customer;

(2) negotiating or agreeing with another port agent regarding rates for tramp agency services for a transaction in which one agent is the *bona fide* customer of the other agent (*i.e.*, the agent receiving tramp agency services is not acting on behalf of a third party to the transaction);

(3) establishing a rate or schedule of rates for tramp agency services by or on behalf of another port agent when the port agent defendant has a *bona fide* existing or anticipated subagency relationship with the other port agent in a port where one party to the subagency relationship does not itself (*i.e.* without the use of a subagent) provide tramp agency services and when the rate or schedule of rates established is limited to the rate or schedule of rates to be charged for tramp agency services pursuant to the subagency relationship;

(4) negotiating or agreeing on behalf of any customer with a second port agent regarding the second port agent's rates for tramp agency services furnished to or paid for by that customer;

(5) negotiating or agreeing with a second port agent acting on behalf of any customer regarding the port agent defendant's rates for tramp agency services furnished to or paid for by the customer; or

(6) preparing, disseminating, maintaining, reproducing or otherwise creating or issuing any schedules of

rates established in compliance with paragraph (C) of this section.

V

Defendent PMTA is enjoined and restrained from preparing, disseminating, maintaining, reproducing or otherwise creating or issuing any schedules of:

(a) rates to be charged by a port agent or port agents for tramp agency services in any United States port; or

(b) current or historical representative, average, minimum, or maximum rates charged by port agents for tramp agency services in any United States port.

VI

In the event that any defendant receives a request from any person for a schedule of mandatory, standard, recommended, suggested or minimum rates for tramp agency services in any United States port, other than a request for a port agent defendant's own rates for such services, such defendant shall advise the inquiring person that under United States law, each port agent must unilaterally and independently establish its own rates for tramp agency services, except for rates established in compliance with Section IV(C) of this Final Judgment.

VII

(A) Within thirty (30) days of the entry of this Final Judgment, each port agent defendant shall furnish a copy of the Complaint and Final Judgment in this action to each of its directors and officers and to each of its employees who has any responsibility for negotiating, establishing, or charging rates for tramp agency services in any United States port.

(B) Each port agent defendant shall furnish a copy of the Complaint and Final Judgment in this action to each person who, after the date of entry of this Final Judgment, becomes a director or officer of the port agent defendent or assumes any of the responsibilities described in Section VII(A).

(C) Within sixty (60) days of the entry of this Final Judgment, each port agent defendant shall have adopted

(1) a written policy requiring its compliance with this Final Judgment which shall explain this Final Judgment and the obligations it imposes on the port agent defendant, and

(2) a written policy requiring its compliance with the antitrust laws which shall explain the forms of conduct that are prohibited as unlawful price fixing under section 1 of the Sherman Act, 15 U.S.C. 1, and the civil liabilities and criminal sanctions imposed by the Act,

and shall furnish a copy of such written compliance policies to each of the persons enumerated in Section VII (A) and (B).

(D) Within ninety (90) days of the entry of this Final Judgment, each port agent defendant shall serve upon plaintiff an affidavit as to the fact and manner of its compliance with Section VII (A), (B) and (C).

VIII

(A) Within thirty (30) days of the entry of this Final Judgment, defendant PMTA shall furnish a copy of the Complaint and Final Judgment in this action to each of its officers, directors and members. PMTA shall also promptly furnish a copy of the Complaint and Final Judgment to each person who becomes a member of PMTA after the date of entry of this Final Judgment.

(B) Within ninety (90) days of the entry of this Final Judgment, defendant PMTA shall serve upon plaintiff an affidavit as to the fact and manner of its compliance with paragraph (A) of this section.

IX

(A) Within fifteen (15) months of the entry of this Final Judgment, defendant PMTA shall convene a membership meeting, of which at least thirty (30) days' notice shall previously have been given to all members. At such meeting, counsel or other qualified persons shall:

(1) describe and explain this Final Judgment, the obligations it imposes on the association and its members, and the compliance obligations that are imposed herein;

(2) describe and explain the forms of conduct that are prohibited as unlawful price fixing under Section 1 of the Sherman Act, 15 U.S.C. 1, and the civil liabilities and criminal sanctions imposed by the Act; and

(3) answers members' questions concerning this Final Judgment and the provisions of the Sherman Act relating to price fixing.

(E) Similar meetings shall be convened, with similar notice to all members, no less frequently than once every twelve (12) months thereafter during the three years following the first such meeting.

(C) Within seven days after each such meeting, defendant PMTA shall forward to the plaintiff an affidavit confirming that the required notice of the meeting was given and that the meeting was held and listing the persons in attendance at the meeting.

X

Each port agent defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of its assets used in the provision of port agent services, or all, or substantially all, of its assets used in the provision of port agent services in any United States port, that the acquiring party agree to be bound by the provisions of the Final Judgment in this action and furnish a copy of the Complaint and Final Judgment to such acquiring party. The acquiring party shall serve upon plaintiff its consent to be bound by this Final Judgment.

XI

For the purpose of determining or securing compliance with the Final Judgment in this action, and subject to any legally recognized privilege, from time-to-time:

(a) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney general or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(b) Upon the written request of the Attorney general or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

(c) No information or documents obtained by the means provided in this Section XI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(d) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents

and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party or divulging such materials under the Freedom of Information Act, 5 U.S.C. 552.

XII

The Final Judgment in this action will expire on the tenth anniversary of its date of entry or, with respect to any particular provision, on any earlier date specified.

XIII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to the Final Judgment in this action to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XIV

Entry of the Final Judgment in this action is in the public interest.

Judge Alexander Harvey II,

United States District Judge.

United States of America, Plaintiff, v. Philadelphia Marine Trade Association; Lavino Shipping Company; Rice, Unruh Co.; Robinson & Mastrangelo, Inc.; and Stockard Shipping & Terminal Co., Defendants: Civil No. H-84-1940.

Filed: May 10, 1984.

Competitive Impact Statement

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), the United States hereby files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this case. The defendants have stipulated their acceptance of the proposed Final Judgment.

I. The Nature and Purpose of the Proceeding

On May 10, 1984 the United States filed a civil antitrust suit alleging that the defendants, Philadelphia Marine Trade Association ("PMTA"); Lavino Shipping Company; Rice, Unruh Co.; Robinson & Mastrangelo, Inc.; and Stockard Shipping & Terminal Co., engaged in a combination and conspiracy to raise, fix and maintain the prices for port agent services provided to tramp vessels in the port of Philadelphia ("the port") in violation of section 1 of the Sherman Act, 15 U.S.C. 1. The Complaint charges that the defendants agreed on, prepared, revised, published, disseminated, and used schedules of fees for port agent services provided to tramp vessels in the port.

The Complaint seeks a judgment by the Court declaring that each defendant has engaged in an unlawful combination and conspiracy in restraint of interstate and foreign commerce of the United States in violation of the Sherman Act. In addition, the Complaint seeks an order to enjoin and restrain defendants from engaging in such activities, or in other activities having a similar purpose or effect, in the future.

II. Description of the Practices Giving Rise to the Alleged Violation

Port agents are hired by the owners or the charterers of tramp vessels or liner vessels to provide port agent services while such vessels are in a particular port. Port agent services include, among other things: supervising the loading and unloading of cargo; arranging for berths, pilots and tugs; securing the necessary documentation; outfitting and repairing the ship; and attending to the needs of the crew. A tramp vessel is a cargo ship that moves without being governed by a schedule of regular port calls; unlike a liner vessel which regularly travels between specified ports according to a schedule.

Defendant PMTA is a trade association which includes among its members firms that provide port agent services. The other defendants are port agent firms and are members of PMTA.

The Government contends, and was prepared to show at trial, that, beginning at least as early as 1976 and continuing until at least 1981, the defendants and co-conspirators engaged in a combination and conspiracy consisting of a continuing agreement, understanding and concert of action to raise, fix and maintain the prices charged for port agent services provided to tramp vessels in the port.

The Government's proof would have showed that the defendant port agent firms and co-conspirators periodically agreed on, prepared and revised schedules of rates for port agent services provided to tramp vessels in the port. With the assistance of PMTA, the defendant port agent firms and co-conspirators disseminated these schedules. The schedules were also forwarded to the Association of Ship Brokers and Agents (U.S.A.), Inc. ("ASBA") in New York City for publication in the ASBA Year Book.

Further, the defendant port agent firms used the fee schedules as a substantial part of their pricing structure in determining the amounts to be charge for services provided to tramp vessels in the port. The defendant firms were amount the principal companies providing port agent services to tramp vessels in the port, and in 1980, these firms generated revenues of more than $400,000 from servicing over 400 tramp vessels in the port. During the period covered by the Complaint, the tramp vessels for which these services were performed moved and carried cargo from one state to another or between the United States and foreign countries in a continuous and uninterrupted flow of interstate and foreign commerce.

The Complaint alleges the practices described above had the following effects, among others:

(a) fees for port agent services provided to tramp vessels in the port were raised, fixed and maintained at artificial and noncompetitive levels;

(b) competition for port agent services provided to tramp vessels in the port was restrained and suppressed; and

(c) the public was denied the benefits of free and open competition for port agent services provided to tramp vessels in the port.

III. Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that a Final Judgment, in the form filed with the Court, may be entered by the Court at any time after the sixty-day waiting period provided by the Antitrust Procedures and Penalties Act, 15 U.S.C. 16. The proposed Final Judgment provides that the entry of that Judgment does not constitute any evidence against, or admission by, any party with respect to any issue of law or fact. Under the provisions of section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon the Court finding that entry of the Judgment will be in the public interest.

The proposed Final Judgment contains two principal forms of relief. First, the defendants are enjoined from repeating the behavior that characterized the combination and conspiracy. Second, the proposed Final Judgment places affirmative obligations on the defendants to provide certain affected persons in the industry with notice of this action and the Judgment in order to

avoid a repetition of the unlawful conduct.

A. Prohibited Conduct

Section IV of the proposed Final Judgment prohibits the defendants from directly or indirectly agreeing to fix, suggest, or recommend the rates to be charged for port agent services for tramp vessels in any United States port. That section also prohibits the defendant port agent firms from jointly creating or revising schedules of rates for port agent services, except as provided in Paragraph (C) of Section IV. Paragraph (C) allows the defendant port agent firms to engage in certain practices that are unlikely to be anticompetitive. First, Paragraph (C) specifies that the port ageny defendants are not prohibited from entering into fee agreements with their customers, including other port agents that are purchasing, as consumers, tramp agency services from a defendant. Second, Paragraph (C) permits port agent defendants to establish rates jointly pursuant to a *bona fide* subagency relationship. In a subagency relationship, the subagent acts as an extension of the primary agency, enabling the primary agent to obtain services for its customers in ports that the primary agent does not itself serve. Third, it is common in the port agent industry for the owner and the charterer of a single vessel to be represented by separate port agents. Contracts between the owner and charterer of a particular vessel often call for the charterer's agent to be paid by the owner. In that context, it may be necessary for the owner's agent to discuss with the charterer's agent the fee to be charged by the charterer's agent. Paragraph (C) permits such discussion and negotiation among port agents in these circumstances.

Section V of the proposed Final Judgment prohibits defendant PMTA from preparing, disseminating, maintaining, reproducing or otherwise creating or issuing any lists or schedules of: (1) Fees or rates to be charged by a port agent or port agents for tramp vessels in any United States port; or (2) current of historical representative, average, minimum, or maximum fees or rates charged by port agents for tramp vessels in any United States port.

B. Affirmative Obligations of the Defendants

Section VI of the proposed Final Judgment requires any defendant that receives a request for a schedule of mandatory, standard, recommended, suggested or minimum rates for port agent services provided to tramp vessels in any United States port, other than the defendant's own rates, to advise the inquiring person that, under United States law, each port agent must unilaterally and independently establish its own rates for port agent services, except for those rates established in acccordance with Section IV(C) of the Final Judgment.

Section VII requires each port agent defendant to furnish a copy of the Complaint and Final Judgment to its officers and directors and each of its employees with pricing responsibility for port agent services. Each port agent defendant must also furnish both documents to each person who becomes a director or officer or who assumes such pricing responsibility after the entry of the Judgment. In addition, each of the port agent defendants is required to establish a written policy ensuring its compliance with the antitrust laws and the requirements of the Judgment.

Section VIII requires defendant PMTA to furnish a copy of the Complaint and the Judgment to each of its officers, directors and members, and to furnish both documents to each person who becomes a member after the entry of the Judgment.

Section IX requires defendant PMTA to convene a membership meeting at which counsel or other qualified persons must describe and explain the Final Judgment and the obligations it imposes, describe and explain the forms of conduct that are prohibited, as price fixing under Section 1 of the Sherman Act and the penalties imposed by that Act, and answer members' questions concerning the Judgment and the Sherman Act. PMTA must convene similar meetings no less frequently then once every twelve (12) months thereafter during the three years following the first such meeting.

Finally, under Section XI of the proposed Final Judgment the Justice Department will have access, upon reasonable notice, to the records and personnel of the defendants to determine and secure their compliance with the Judgment.

C. Scope of Proposed Final Judgment

(1) *Persons Bound by the Decree.* The proposed Final Judgment provides in Section III that its provisions apply to each defendant and to its respective officers, directors, employees, committee, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of the Final Judgment by personal service, service under Sections VII or VIII of the Judgment, or otherwise. Section III also provides that, for purposes of Section III, a member of PMTA shall not be deemed to be in active concert or participation solely by virtue of its membership in PMTA. Section X of the Judgment prohibits each port agent defendant from selling or transferring all, or substantially all, of its assets used in the provision of port agent services, or all, or substantially all, of its assets used in the provisions of port agent services in any United States port, unless it furnishes to the acquiring party a copy of the Complaint and Final Judgment and the acquiring party agrees to be bound by the provisions of the Judgment. Section X also requires the acquiring party to serve upon the plaintiff confirmation of the acquiring party's consent to be bound by the Final Judgment.

(2) *Duration of the Decree.* Section XII provides that the proposed Final Judgment will expire on the tenth anniversary of its date of entry.

D. Effect of the Proposed Final Judgment on Competition

The Proposed Judgment is designed to prevent any recurrence of the unlawful conduct alleged in the Complaint. Compliance with the proposed Judgment will prevent collective action by port agents on rates charged for port agent services to tramp vessels.

IV. Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment would be a full trial of the case. In the view of the Department of Justice, such a trial would involve substantial costs to the United States and is not warranted since the proposed Final Judgment provides the relief that the United States sought in its Complaint.

V. Remedies Available to Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney fees. Under the provisions of section 5(a) of the Clayton Act, 15 U.S.C. 16(a), this Final Judgment will have no *prima facie* effect in any lawsuit which may be brought against any defendant.

VI. Procedures Available for Modification of the Proposed Consent Judgment

The proposed Final Judgement is subject to a stipulation between the Government and the defendants which provides that the Government may

withdraw its consent to the proposed Judgment any time before entry of the proposed Judgment. By its terms, the proposed Judgment also provides for the Court's retention of jurisdiction in this action in order to permit any of the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the Final Judgment.

As provided by the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, any person wishing to comment upon the proposed Judgment may submit, within the statutory sixty-day period, written comments to the United States Department of Justice, Attention: Elliott M. Seiden, Chief, Transportation Section, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530. Such comments, and the Government's response to them, will be filed with the Court and published in the **Federal Register.** The Government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

VII. Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Therefore, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Dated: May 10, 1984.

J. Frederick Motz,

United States Attorney, District of Maryland:

Jack C. Tranter,

Assistant United States Attorney, District of Maryland:

Richard A. Feinstein,

Michael H. Simon,

Alan D. Maness,

Attorneys, U.S. Department of Justice, P.O. Box 481, Washington, D.C. 20044, (202) 633-4772.

Certificate of Service

I hereby certify that a copy of the foregoing Competitive Impact Statement has been served by mail, this 10th day of May, 1984, on the following:

Helen Pudlin, Esq., Ballard, Spahr, Andrews, & Ingersoll, 30 South 17th Street, 20th Floor, Philadelphia, Pa. 19103

Jamie L. Whitten, Esq., Lipsen, Hamberger, Whitten & Hamberger, 1725 DeSales Street, NW., Washington, D.C. 20036

Richard C. Rizzo, Esq., Dechert, Price & Rhoads, 3400 Centre Square West, 1500 Market Street, Philadelphia, Pa. 19102

Gregory T. Magarity, Esq., Wolf, Block, Schorr and Slois-Cohen, Twelfth Floor, Packard Building, S.E. Corner 15th and Chestnut Streets, Philadelphia, Pa. 19102

Francis A. Scanlan, Esq., Deasey, Scanlan & Pender, Ltd., Suite 2900, Two Girard Plaza, Philadelphia, Pa. 19102

United States of America, Plaintiff, v. West Gulf Maritime Association; Biehl & Co.; Hansen & Tidemann, Inc.; and Strachan Shipping Company; Defendants: Civil No. H-84-194.

Filed: May 10, 1984.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirement of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: May 10, 1984.

For the Plaintiff:

J. Paul McGrath,

Assistant Attorney General;

Joseph H. Widmar,

Elliott M. Seiden,

James R. Weiss,

Attorneys, U.S. Department of Justice.

J. Frederick Motz,

United States Attorney, District of Maryland:

Jack C. Tranter,

Assistant United States Attorney District of Maryland.

Richard A. Feinstein,

Michael H. Simon,

Alan D. Maness,

Attorneys, U.S. Department of Justice, P.O. Box 481, Washington, D.C. 20044, (202) 633-4772.

For the Defendants:

Gus A. Schill, Jr., Royston, Rayzor, Vickery & Williams, 2200 Texas Commerce Tower, Houston, Texas 77002,

Attorneys for Biehl & Co.:

Peter E. Halle, Esq., Milbank, Tweed, Hadley & McCloy, 1825 Eye Street, NW., Washington, D.C. 20006,

Attorneys for Hansen & Tidemann, Inc.:

Robert Eikel, Esq., Eikel & Davey, 1442 Esperson Building, Houston, Texas 77002,

Attorneys for West Gulf Maritime Association:

William F. Sondericker, Esq., Olwine, Connelly, Chase, O'Donnell & Weyher, 299 Park Ave., New York, New York 10171,

Attorneys for Strachan Shipping Company.

United States of America, Plaintiff, v. West Gulf Maritime Association; Biehl & Co.; Hansen & Tidemann, Inc.; and Strachan Shipping Company. Defendants: Civil No. H-84-1941.

Filed: May 10, 1984.

Final Judgment

Plaintiff, United States of America, having filed its Complaint in this action on May 10, 1984 and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or ajudication of any issue of fact or law in this action, and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law in this action and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

This Court has jurisdiction of the subject matter of this action. To the extent that any defendant might object to personal jurisdiction or to venue, all such objections are waived for purposes of this action only. The Complaint states a claim upon which relief may be granted against each defendant under section 1 of the Sherman Act, 15 U.S.C. 1.

II

As used herein, the term:

(a) "person" means any individual, single proprietorship, partnership, firm, corporation, or association;

(b) "port agent services" means the services performed for the benefit of an owner or charterer of a cargo ship while the ship is in port, including, among other things: supervising the loading and unloading of cargo; arranging for berths, pilots and tugs; securing the necessary documentation; outfitting and repairing the ship; and attending to the needs of the crew;

(c) "port agent" means any person that, for a fee or commission, provides port agent services;

(d) "port agent defendants" means Biehl & Co.; Hansen & Tidemann, Inc.; and Strachan Shipping Company;

(e) "tramp vessel" means a cargo ship that moves without being governed by a schedule of regular port calls, and does not include a liner vessel which regularly travels between specified ports according to a schedule;

(f) "tramp agency services" means port agent services provided to tramp vessels;

(g) "rate" means any rate, price, tariff, charge, fee, or commission for port agent services and its associated terms and conditions; and

(h) "West Gulf ports" means the port areas along the Gulf of Mexico on the Texas coast and the port of Lake Charles, Louisiana.

III

This Final Judgment applies to each defendant and to its respective officers, directors, employees, committees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service, service under Sections VII or VIII hereof, or otherwise. For purposes of this Section III, a member of the defendant association, West Gulf Maritime Association (hereinafter "WGMA"), shall not be deemed to be in active concert or participation solely by virtue of its membership in WGMA.

IV

(A) Defendants are enjoined and restrained from directly or indirectly entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan, or program to fix, maintain, suggest, or recommend the rates to be charged for tramp agency services in any United States port.

(B) The port agent defendants are enjoined and restrained from preparing, disseminating, maintaining or otherwise creating or issuing any schedules of rates to be charged for tramp agency services in any United States port, except for such schedules prepared independently and unilaterally by an individual port agent to set forth its own rates.

(C) Nothing in this Final Judgment shall prohibit any port agent defendant from:

(1) negotiating or agreeing with any customer that is not a part agent regarding the rates for tramp agency services provided to that customer;

(2) negotiating or agreeing with another port agent regarding rates for tramp agency services for a transaction in which one agent is the *bona fide* customer of the other agent (*i.e.*, the agent receiving tramp agency services is not acting on behalf of a third party to the transaction);

(3) establishing a rate or schedule of rates for tramp agency services by or on behalf of another port agent when the port agent defendant has a *bona fide* existing or anticipated subagency relationship with the other port agent in a port where one party to the subagency relationship does not itself (*i.e.* without the use of a subagent) provide tramp agency services and when the rate or schedule of rates established is limited to the rate or schedule of rates to be charged for tramp agency services pursuant to the subagency relationship;

(4) negotiating or agreeing on behalf of any customer with a second port agent regarding the second port agent's rates for tramp agency services furnished to or paid for by that customer;

(5) negotiating or agreeing with a second port agent acting on behalf of any customer regarding the port agent defendant's rates for tramp agency services furnished to or paid for by that customer; or

(6) preparing, disseminating, maintaining, reproducing or otherwise creating or issuing any schedules of rates established in compliance with paragraph (C) of this section.

V

Defendant WGMA is enjoined and restrained from preparing, disseminating, maintaining, reproducing or otherwise creating or issuing any schedules of:

(a) rates to be charged by a port agent or port agents for tramp agency services in any United States port; or

(b) current or historical representative, average, minimum, or maximum rates charged by port agents for tramp agency services in any United States port.

VI

In the event that any defendant receives a request from any person for a schedule of mandatory, standard, recommended, suggested or minimum rates for tramp agency services in any United States port, other than a request for a port agent defendant's own rates for such services, such defendant shall advise the inquiring person that under United States law, each port agent must unilaterally and independently establish its own rates for tramp agency services, except for rates established in compliance with Section IV(C) of this Final Judgment.

VII

(A) Within thirty (30) days of the entry of this Final Judgment, each port agent defendant shall furnish a copy of the Complaint and Final Judgment in this action to each of its directors and officers and to each of its employees who has any responsibility for negotiating, establishing, or charging rates for tramp agency services in any United States port.

(B) Each port agent defendant shall furnish a copy of the Complaint and Final Judgment in this action to each person who, after the date of entry of this Final Judgment, becomes a director or officer of the port agent defendant or assumes any of the responsibilities described in Section VII(A).

(C) Within sixty (60) days of the entry of this Final Judgment, each port agent defendant shall have adopted

(1) a written policy requiring its compliance with this Final Judgment which shall explain this Final Judgment and the obligations it imposes on the port agent defendant, and

(2) a written policy requiring its compliance with the antitrust laws which shall explain the forms of conduct that are prohibited as unlawful price fixing under section 1 of the Sherman Act, 15 U.S.C. 1, and the civil liabilities and criminal sanctions imposed by the Act, and shall furnish a copy of such written compliance policies to each of the persons enumerated in Section VII (A) and (B).

(D) Within ninety (90) days of the entry of this Final Judgment, each port agent defendant shall serve upon plaintiff an affidavit as to the fact and manner of its compliance with Section VII (A), (B) and (C).

VIII

(A) Within thirty (30) days of the entry of this Final Judgment, defendant WGMA shall furnish a copy of the Complaint and Final Judgment in this action to each of its officers, directors and members. WGMA shall also promptly furnish a copy of the Complaint and Final Judgment to each person who becomes a member of WGMA after the date of entry of this Final Judgment.

(B) Within ninety (90) days of the entry of this Final Judgment, defendant WGMA shall serve upon plaintiff an affidavit as to the fact and manner of its compliance with paragraph (A) of this section.

IX

(A) Within fifteen (15) months of the entry of this Final Judgment, defendant WGMA shall convene a membership meeting, of which at least thirty (30) days' notice shall previously have been given to all members. At such meeting, counsel or other qualified persons shall:

(1) describe and explain this Final Judgment, the obligations it imposes on the association and its members, and the compliance obligations that are imposed herein;

(2) describe and explain the forms of conduct that are prohibited as unlawful price fixing under section 1 of the Sherman Act, 15 U.S.C. 1, and the civil liabilities and criminal sanctions imposed by the Act; and

(3) answer members' questions concerning this Final Judgment and the provisions of the Sherman Act relating to price fixing.

(B) Similar meetings shall be convened, with similar notice to all members, no less frequently than once every twelve (12) months thereafter during the three years following the first such meeting.

(c) Within seven days after each such meeting, defendant WGMA shall forward to the plaintiff an affidavit confirming that the required notice of the meeting was given and that the meeting was held and listing the persons in attendance at the meeting.

X

Each port agent defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of its assets used in the provision of port agent services, or all, or substantially all, of its assets used in the provision of port agent services in any United States port, that the acquiring party agree to be bound by the provisions of the Final Judgment in this action and furnish a copy of the Complaint and Final Judgment to such acquiring party. The acquiring party shall serve upon plaintiff its consent to be bound by this Final Judgment.

XI

For the purpose of determining or securing compliance ith the Final Judgment in this action, and subject to any legally recognized privilege, from time-to-time:

(a) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(b) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

(c) No information or documents obtained by the means provided in this Section XI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(d) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plantiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party or divulging such material under the Freedom of Information Act, 5 U.S.C. 552.

XII

The Final Judgment in this action will expire on the tenth anniversary of its date of entry or, with respect to any particular provision, on any earlier date specified.

XIII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to the Final Judgment in this action to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XIV

Entry of the Final Judgment in this action is in the public interest.

Judge Alexander Harvey II,

United States District Judge.

United States of American, Plaintiff, v. West Gulf Maritime Association; Biehl & Co.; Hansen & Tidemann, Inc.; and Strachan Shipping Company, Defendants: Civil No. H-84-1941.

Filed: May 10, 1984.

Competitive Impact Statement

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), the United States hereby files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this case. The defendants have stipulated their acceptance of the proposed Final Judgment.

I. The Nature and Purpose of the Proceeding

On May 10, 1984 the United States filed a civil antiturst suit alleging that the defendants, West Gulf Maritime Association ("WGMA"); Biehl & Co.; Hansen & Tidemann, Inc.; and Strachan Shipping Company, engaged in a combination and conspiracy to raise, fix and maintaint the prices for port agent services provided to tramp vessels in the ports along the Gulf of Mexico on the Texas coast and the port of Lake Charles, Louisiana ("the West Gulf ports" or "the ports") in violation of section 1 of the Sherman Act, 15 U.S.C. 1. The Complaint charges that the defendants agreed on, prepared, revised, published, disseminated, and used schedules of fees for port agent services provided to tramp vessels in the West Gulf ports.

The Complaint seeks a judgment by the Court declaring that each defendant has engage in an unlawful combination and conspiracy in restraint of interstate and foreign commerce of the United States in violation of the Sherman Act. In addition, the Complaint seeks an order to enjoin and restrain defendants from engaging in such activities, or in other activities having a similar purpose or effect, in the future.

II. Description of the Practices Giving Rise to the Alleged Violation

Port agents are hired by the owners or the charterers of tramp vessels or liner

vessels to provide port agent services while such vessels are in a particular port. Port agent services include, among other things: Supervising the loading and unloading of cargo; arranging for berths, pilots and tugs; securing the necessary documentation; outfitting and repairing the ship; and attending to the needs of the crew. A tramp vessel is a cargo ship that moves without being governed by a schedule of regular port calls, unlike a liner vessel which regularly travels between specified ports according to a schedule.

Defendant WGMA is a trade association which includes among its members firms that provide port agent services. The other defendants are port agent firms and are members of WGMA.

The Government contends, and was prepared to show at trial, that, beginning at least as early as 1976 and continuing until at least 1981, the defendants and co-conspirators, including Kerr Steamship Company, Inc., engaged in a combination and conspiracy consisting of a continuing agreement, understanding and concert of action to raise, fix and maintain the prices charged for port agent services provided to tramp vessels in the West Gulf ports.

The Government's proof would have shown that the defendant port agent firms and co-conspirators periodically agreed on, prepared and revised schedules of rates for port agent services provided to tramp vessels in the West Gulf ports. With the assistance of WGMA, the defendant port agent firms and co-conspirators disseminated these schedules. The schedules were also forwarded to the Association of Ship Brokers and Agents (U.S.A.), Inc. ("ASBA") in New York City for publication in the ASBA Year Book.

Further, the defendant port agent firms used the fee schedules as a substantial part of their pricing structure in determining the amounts to be charged for services provided to tramp vessels in the West Gulf ports. The defendant and co-conspirator firms were among the principal companies providing port agent services to tramp vessels in the ports, and in 1981, these firms generated revenues of more than $1,800,000 from servicing over 1800 tramp vessels in the ports. During the period covered by the Complaint, the tramp vessels for which these services were performed moved and carried cargo from one state to another or between the United States and foreign countries in a continuous and uninterrupted flow of interstate and foreign commerce.

The Complaint alleges the practices described above had the following effects, among others:

(a) fees for port agent services provided to tramp vessels in the West Gulf ports were raised, fixed and maintained at artificial and noncompetitive levels;

(b) competition for port agent services provided to tramp vessels in the ports was restrained and suppressed; and

(c) the public was denied the benefits of free and open competition for port agent services provided to tramp vessels in the ports.

III. Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that a Final Judgment, in the form filed with the Court, may be entered by the Court at any time after the sixty-day waiting period provided by the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the proposed Final Judgment provides that the entry of that Judgment does not constitute any evidence against, or admission by, any party with respect to any issue of law or fact. Under the provisions of section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon the Court finding that entry of the judgment will be in the public interest.

The proposed Final Judgment contains two principal forms of relief. First, the defendants are enjoined from repeating the behavior that characterized the combination and conspiracy. Second, the proposed Final Judgment places affirmative obilgations on the defendants to provide certain affected persons in the industry with notice of this action and the Judgment in order to avoid a repetition of the unlawful conduct.

A. Prohibited Conduct

Section IV of the proposed Final Judgment prohibits the defendants from directly or indirectly agreeing to fix, suggest, or recommend the rates to be charged for port agent services for tramp vessels in any United States port. That section also prohibits the defendant port agent firms from jointly creating or revising schedules of rates for port agent services, except as provided in Paragraph (C) of Section IV. Paragraph (C) allows the defendant port agent firms to engage in certain practices that are unlikely to be anticompetitive. First, Paragraph (C) specifies that the port agent defendants are not prohibited from entering into fee agreements with their customers, including other port agents that are purchasing, as consumers, tramp agency services from a defendant. Second, Paragraph (C) permits port agent defendants to establish rates jointly pursuant to a *bona fide* subagency relationship. In a subagency relationship, the subagent acts as an extension of the primary agent, enabling the primary agent to obtain services for its customers in ports that the primary agent does not itself serve. Third, it is common in the port agent industry for the owner and the charterer of a single vessel to be represented by separate port agents. Contracts between the owner and charterer of a particular vessel often call for the charterer's agent to be paid by the owner. In that context, it may be necessary for the owner's agent to discuss with the charterer's agent the fee to be charged by the charterer's agent. Paragraph (C) permits such discussion and negotiation among port agents in these circumstances.

Section V of the proposed Final Judgment prohibits defendant WGMA from preparing, disseminating, maintaining, reproducing or otherwise creating or issuing any lists or schedules of: (1) Fees or rates to be charged by a port agent or port agents for tramp vessels in any United States port; or (2) current or historical representative, average, minimum, or maximum fees or rates charged by port agents for tramp vessels in any United States port.

B. Affirmative Obligations of the Defendants

Section VI of the proposed Final Judgment requires any defendant that receives a request for an schedule of mandatory, standard, recommended, suggested or minimum rates for port agent services provided to tramp vessels in any United States port, other than the defendant's own rates, to advise the inquiring person that, under United States law, each port agent must unilaterally and independently establish its own rates for port agent services, except for those rates established in accordance with Section IV(C) of the Final Judgment.

Section VII requires each port agent defendant to furnish a copy of the Complaint and Final Judgment to its officers and directors and each of its employees with pricing responsibility for port agent services. Each port agent defendant must also furnish both documents to each person who becomes a director or officer or who assumes such pricing responsibility after to entry of the Judgment. In addition, each of the port agent defendants is required to establish a written policy ensuring its compliance with the antitrust laws and the requirements of the Judgment.

Section VIII requires defendant WGMA to furnish a copy of the Complaint and the Judgment to each of

its officers, directors and members, and to furnish both documents to each person who becomes a member after the entry of the Judgment.

Section IX requires defendant WGMA to convene a membership meeting at which counsel or other qualified persons must describe and explain the Final Judgment and the obligations it imposes, describe and explain the forms of conduct that are prohibited as price fixing under Section 1 of the Sherman Act and the penalties imposed by that Act, and answer members' questions concerning the Judgment and the Sherman Act. WGMA must convene similar meetings no less frequently than once every twelve (12) months thereafter during the three years following the first such meeting.

Finally, under Section XI of the proposed Final Judgment the Justice Department will have access, upon reasonable notice, to the records and personnel of the defendants to determine and secure their compliance with the Judgment.

C. Scope of Proposed Final Judgment

(1) *Persons Bound by the Decree.* The proposed Final Judgment provides in Section III that its provisions apply to each defendant and to its respective officers, directors, employees, committees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of the Final Judgment by personal service, service under Sections VII or VIII of the Judgment, or otherwise. Section III also provides that, for purposes of Section III, a member of WGMA shall not be deemed to be in active concert or participation solely by virtue of its membership in WGMA. Section X of the Judgment prohibits each port agent defendant from selling or transferring all, or substantially all, of its assets used in the provision of port agent services, or all, or substantially all, of its assets used in the provision of port agent services in any United States port, unless it furnishes to the acquiring party a copy of the Complaint and Final Judgment and the acquiring party agrees to be bound by the provisions of the Judgment. Section X also requires the acquiring party to serve upon the plaintiff confirmation of the acquiring party's consent to be bound by the Final Judgment.

(2) *Duration of the Decree.* Section XII provides that the proposed Final Judgment will expire on the tenth anniversary of its date of entry.

D. Effect of the Proposed Final Judgment on Competition

The Proposed Judgment is designed to prevent any recurrence of the unlawful conduct alleged in the Complaint. Compliance with the proposed Judgment will prevent collective action by port agents on rates charged for port agent services to tramp vessels.

IV. Alternative to the Proposed Final Judgment

The alternative to the proposed Final Judgment would be a full trial of the case. In the view of the Department of Justice, such a trial would involve substantial costs to the United States and is not warranted since the proposed Final Judgment provides the relief that the United States sought in its Complaint.

V. Remedies Available to Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney fees. Under the provisions of section 5(a) of the Clayton Act, 15 U.S.C. 16(a), this Final Judgment will have no *prima facie* effect in any lawsuit which may be brought against any defendant.

VI. Procedures Available for Modification of the Proposed Consent Judgment

The proposed Final Judgment is subject to a stipulation between the Government and the defendants which provides that the Government may withdraw its consent to the proposed Judgment any time before entry of the proposed Judgment. By its terms, the proposed Judgment also provides for the Court's retention of jurisdiction in this action in order to permit any of the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the Final Judgment.

As provided by the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, any person wishing to comment upon the proposed Judgment may submit, within the statutory sixty-day period, written comments to the United States Department of Justice, Attention: Elliott M. Seiden, Chief, Transportation Section, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530. Such comments, and the Government's response to them, will be filed with the Court and published in the **Federal Register.** The Government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

VII. Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Therefore, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Dated: May 10, 1984.

J. Frederick Motz,
United States Attorney District of Maryland;
Jack C. Tranter,
Assistant United States Attorney, District of Maryland.
Richard A. Feinstein,
Michael H. Simon,
Alan D. Maness,
Attorneys U.S. Department of Justice, P.O. Box 481, Washington, D.C. 20044, (202) 633-4772.

Certificate of Service

I hereby certify that a copy of the foregoing Competitive Impact Statement has been served by mail, this 10th day of May, 1984, on the following:

Gus A. Schill, Jr., Royston, Rayzor, Vickery & Williams, 2200 Texas Commerce Tower, Houston, Texas 77002
Robert Eikel, Esq., Eikel & Davey, 1442 Esperson Buildings, Houston, Texas 77002
Peter E. Halle, Esq., Milbank, Tweed, Hadley & McCloy, 1825 Eye Street, NW., Washington, D.C. 20006
William F. Sondericker, Esq., Olwine, Connelly, Chase, O'Donnell & Weyher, 299 Park Ave., New York, New York 10171

[FR Doc. 84-14393 Filed 5-29-84; 8:45 am]
BILLING CODE 4410-01-M

Drug Enforcement Administration

Controlled Substances; Proposed Revised 1984 Aggregate Production Quotas

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Proposed Revised 1984 Aggregate Production Quotas.

SUMMARY: This notice proposes revised

1984 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act. Since the establishment of the 1984 aggregate production quotas on February 1, 1984 (49 FR 4051), DEA has reviewed data submitted by registered manufacturers concerning actual 1983 dispositions and year-end inventories and has determined that revisions of some of the previously established quotas are necessary.

DATE: Comments or objections should be received on or before June 29, 1984.

ADDRESS: Send comments or objections in quintuplicate to: Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537. Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year.

This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On Feburary 1, 1984, a notice of the 1984 aggregate production quotas was published in the **Federal Register** 49 FR 4051. Also indicated in that notice was that pursuant to Title 21 of the Code of Federal Regulations, § 1303.23(c), the Administrator of the Drug Enforcement Administration would adjust these quotas in early 1984 based upon a review of 1983 year-end inventory, 1983 disposition data submitted by quota applicants and other information available to DEA.

The aggregate production quotas represent those amounts of controlled substances that may be produced in the United States in 1984 and does not include amounts which may be imported for use in industrial processes.

When determining the below listed proposed revised 1984 aggregate production quotas, the following factors influenced DEA's determination to propose either raising or lowering the previously established quotas for 1984:

(a) The increase proposed for 2,5-dimethoxyamphetamine reflects the unexpected increase in usage of the industrial product manufactured from 2,5-dimethoxyamphetamine.

(b) The increases proposed for alphaprodine and mixed alkaloids of opium reflect unanticipated export requirements and additional quantities needed for stability and validation testing.

(c) The increases proposed for codeine (for conversion) and methadone intermediate reflect the increases in quotas of the Schedule II substances derived from them.

(d) The decrease proposed for desoxyephedrine reflects sales of levodesoxyephedrine less than previously estimated.

(e) The decrease proposed for diphenoxylate reflects lower than expected sales which resulted in inventories greater than those predicted.

(f) The increases proposed for dextropropoxyphene, hydromorphone, methadone, opium, oxycodone (for sale) and pentobarbital reflect sales which were greater than previously estimated and which therefore resulted in inventories at year-end 1983 lower than that predicted.

(g) The increases proposed for dihydrocodeine and hydrocodone are for the replacement of inventory levels which were lower than previously established due to the fact that actual production was significantly lower than the established 1983 aggregate production quotas.

(h) The increase proposed for levorphanol reflects increased sales, adjustments in inventories and additional quantities needed for stability and validation testing.

(i) The increase proposed for oxycodone (for conversion) reflects the need for process development of certain non-controlled substances derived from oxycodone.

(j) The increase proposed for meperidine reflects the need for inventory adjustments due to a manufacturing process change.

(k) The increase proposed for methylphenidate reflects the need for inventory adjustments.

Based upon the above considerations, as well as estimates of the medical needs of the United States submitted to the Drug Enforcement Administration by the Food and Drug Administration, the Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations, hereby proposes the following changes in the aggregate production quotas for 1984 for the below listed controlled substances, expressed in grams of anhydrous acid or base:

Basic class	Previously established 1984 aggregate production quota	Proposed revised 1984 aggregate production quota
Schedule I		
2,5-Dimethoxyamphetamine	7,840,000	13,000,000
Schedule II		
Alphaprodine	32,000	57,000
Codeine (for conversion)	2,850,000	3,582,000
Desoxyephedrine	1,516,000	1,217,000
Dextropropoxyphene	61,535,000	78,421,000
Dihydrocodeine	1,209,000	1,396,000
Diphenoxylate	864,000	690,000
Hydrocodone	1,247,000	1,456,000
Hydromorphone	140,000	181,500
Levorphanol	15,000	22,000
Meperidine	10,889,000	12,889,000
Methadone	805,000	1,050,000
Methadone Intermediate	1,006,000	1,313,000
Methylphenidate	1,181,000	1,495,000
Mixed Alkaloids of Opium	14,000	19,000
Opium (tinctures, extracts, etc. expressed in terms of USP powdered opium)	1,790,000	1,978,000
Oxycodone (for sale)	1,830,000	1,930,000
Oxycodone (for conversion)	6,400	163,000
Pentobarbital	8,900,000	14,000,000
Thebaine	4,965,000	6,034,000

(a) 1,017,000 grams for the production of levodesoxyephedrine for use in a noncontrolled, nonprescription product and 200,000 grams for the production of methamphetamine.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. A person may object to or comment on the proposal relating to any of the above-mentioned substances without filing comments or objections regarding the others. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by a notice in the Federal Register, summarizing the issues to be heard and setting the time for the hearing.

Pursuant to section 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by the international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Dated: May 18, 1984.

Francis M. Mullen, Jr.,

Administrator, Drug Enforcement Administration.

[FR Doc. 84-14378 Filed 5-29-84; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

BACKGROUND: The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review: On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.
The title of the form.
The OMB and Agency form numbers, if applicable.
How often the form must be filled out.
Who will be required to or asked to report.
Whether small businesses or organizations are affected.
An estimate of the number of responses.
An estimate of the total number of hours needed to fill out the form.
The number of forms in the request for approval.
An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Office of Pension and Welfare Benefit Programs
Final Alternative Method of Compliance With Updated Summary Plan Description Requirements Under ERISA—1210-0039

Other

Business or other for-profit; non-profit institutions; small businesses or organizations—20,966,918 responses; 4,276,230 hours.

Administrators of employee benefit plans are provided with a less costly and burdensome alternative means of complying with the statutory requirement to furnish participants and beneficiaries, and to file with the Department, a five year updated summary plan description required under ERISA.

Extension

Employment and Training Administration
Application for Alien Employment Certification—1205-0015; ETA 750

On occasion

Individuals or households; businesses or other for-profit—50,000 responses; 125,000 hours; 1 form.

The ETA 750 is the basic application for alien labor certification and is used by the Department of Labor to fulfill its obligations under 20 CFR 656.

Signed at Washington, D.C., this 24th day of May 1984.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 84-14476 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-29-M

Employment and Training Administration

[TA-W-15,054]

Carr-Lowrey Glass Co.; Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance; Further Correction

In **Federal Register** Doc. 83-28890 appearing on page 49109 in the **Federal Register** of October 24, 1983, the date of petition in the Appendix under petitioner Carr-Lowrey Glass Company, Baltimore, Maryland should be corrected to read "August 26, 1983."

This document is intended to supercede an earlier correction document published in the **Federal Register** on April 27, 1984 (FR Vol. 49, Doc. 84-11359, page 18194).

Signed at Washington, D.C., this 23rd day of May 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84-14415 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-84-108-C]

Red Hawk Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Red Hawk Coal Corporation, Box 2237, Williamson, West Virginia 25667 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 1 Mine (I.D. No. 15-10508) located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The seam height ranges from 38 to 54 inches with ascending and descending grades creating dips and rolls in the mining face areas.

3. Petitioner states that the use of canopies would restrict the equipment operator's vision and damage the roof supports, increasing the chances of an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14417 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-78-C]

Jeanna Corp.; Petition for Modification of Application of Mandatory Safety Standard

Jeanna Corporation, P.O. Box 728, Hyden, Kentucky 41749 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 7 Mine (I.D. No. 15-13643) located in Leslie County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14418 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-102-C]

AMAX Coal Co; Petition for Modification of Application of Mandatory Safety Standard

AMAX Coal Company, 105 South Meridian Street, P.O. Box 967, Indianapolis, Indiana 46206 has filed a petition to modify the application of 30 CFR 77.803 (fail safe ground check circuits on high-voltage resistance grounded systems) to its Leahy Mine (I.D. No. 11-01526) located in Perry County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements that all high-voltage, resistance grounded systems include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity. The fail safe ground check circuit shall cause the circuit breaker to open when either the ground or ground check wire is broken.

2. The mine presently receives its electrical power from two separate power systems. One system, which enters the mine from the north substation, provides 22,900 volts of electrical power to the portable and mobile equipment. The 22,900 volts provide power to a 5900 shovel which is the major stripping unit. The 22,900 volt power is stepped down to 4,160 volts which provides power to a 7500 dragline, 50-R drills, and a coal loading shovel. The power is further stepped down to 480 volts to provide power for pit pumps, arc-welding, etc. The other system, which enters the mine from the west substation, provides 4,160 volts of electrical power to the mine's stationary facilities, such as the garage, shop, office complex, preparation plant complex, two pumping stations and the reclamation building.

3. The power system that provides electric power to the stationary facilities is an overhead pole line system which runs a distance of 10,000 feet along the west side of the mine. This pole line system is connected to a resistance grounded power supply. The power supply has phase to ground fault current limiting and tripping equipment. A visible overhead static line bonds the overhead static wire to the mine's substation ground system continuing the entire 10,000 feet length of the overhead line. This static wire is butt-ground at every other pole for about 35 connections to earth. In addition, it is connected to earth through the garage, shop, office complex, preparation plant complex, two pumping stations and the reclamation building. A visible neutral wire starting at the ground resistor at the substation runs the entire length of the overhead line. It has connections with the earth through the separate drilled ground hole at the mine's substation at the garage, shop, office complex, preparation plant complex, two pumping stations and the reclamation building.

4. The overhead pole line system does not currently provide power to portable or mobile equipment, though the system is "grounded through a suitable resistor at the source transformers" and being provided with a "grounding circuit, originating at the grounded side of the grounding resistor" which "extend(s) along with the power conductors and serve(s) as a grounding conductor for the frames of all high voltage equipment supplied power from the circuit." Since the system does not currently supply power to portable or mobile equipment, the system does not presently include a fail-safe ground check circuit as would otherwise be required by 30 CFR 77.803.

5. Petitioner seeks a modification of the standard to permit the use of the present 4,160 volt electrical pole line system to supply power to portable and mobile equipment in addition to the stationary electrical equipment it presently supplies. Petitioner proposes to construct a stationary breaker house at the end of the existing pole line

system so that portable equipment, such as single and double breaker houses, cable couplers and 4,160 to 480 volt substations, can be connected to the breaker house to allow for the operation of portable and mobile equipment in the west end of the pit. The visible neutral wire is resistance grounded at the power source and will be grounded at the proposed stationary breaker house. The visible overhead static wire is connected to earth a minimum of 25 feet from where the neutral wire is resistance grounded. In addition to the multiple grounding, the stationary breaker house will be bonded to earth using two ground rods. All loads connected to the proposed stationary breaker will be monitored in compliance with 30 CFR 77.803. However, loads on the existing 4,160 volt electrical pole line will remain unmonitored.

6. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patrica W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14425 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-11-M]

ASARCO, Inc.; Petition for Modification of Application of Mandatory Safety Standard

ASRACO, Inc., P.O. Box 440, Wallace, Idaho 83873 has filed a petition to modify the application of 30 CFR 57.11-12 (openings above, below or near travelways) to its Galena Unit (I.D. No. 10-00082) located in Shoshone County, Idaho. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that openings above, below, or near travelways through which persons or materials may fall be protected by railways, barriers or covers.

2. Raises at the mine are four cap, three-compartment raises inclinded more than 70 degrees from horizontal. These raises are typically 300 feet long connecting with both the levels below and above. Both end compartments in the raises are used as ore chutes. The center compartment is divided into two smaller compartments to accommodate the manway and timber slide. The timber slide is used for materials access with supplies being raised by a tugger located at the bottom of the raise. Compartment widths are 32 inches for the manway and 27 inches for the timber slide. These raises are driven prior to mining and used later for personnel and material access during stoping.

3. Petitioner states that maintaining covers over these openings will result in a diminution of safety to the minors because:

a. The mine has experienced several large rockbursts. If one of these should occur while persons are working in the stope and the covers are in place, the rock falling done the raise will bury the covers. The miners in the stope will have no means of climbing around the buried covers to escape down the raise. If either of the miners in the stope are hurt, the rock covering the timber slide compartments will make it impossible to lower an injured person with the materials skip; and

b. The haulageway level crews use the timber slide compartment to raise supplies to the stope crews at irregular times. If miners are working in the stope when the level crew is raising supplies, the skip will hit the cover, possibly dropping the supplies out of the skip, endangering persons below.

4. As an alternate method, petitioner proposes to maintain the raise openings at the stope level to a maximum of 27 inches by 30 inches. Additionally, safety chains and hooks will be installed between timber slide/manway compartments and both chute compartments. These chains will be kept in place when persons are working near the openings.

5. Petitioner states that the proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14423 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-125-C]

Ash Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Ash Coal Company, R.D. No. 1, Box 427, Pine Grove, Pennsylvania 17963 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity and velocity) to its No. 1½ Vein Slope (I.D. No. 36-07414) located in Schuylkill County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. Ignition, explosion and mine fire history are non-existent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extermely uncomfortable and cold conditions in the already uncomfortable, wet mine.

7. As an alternate method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minumum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the proposed alternate method will provide the same measure of protection for the miners

affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14422 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-66-C]

B & L Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

B & L Coal Corporation, P.O. Box 9, Crumpler, West Virginia 24825 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Mine No. 12 (I.D. No. 46-01423) located in McDowell County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return entries be examined in their entirety by a certified person on a weekly basis.

2. The return entries affected are open and functioning efficiently as return airways; however, the top is not supported and is bad in several areas. Rehabilitation of the affected airways would exposed miners to hazardous conditions, resulting in a diminution of safety.

3. As an alternate method, petitioner proposes to establish monitoring points at specified locations. These points will be located in areas where the top is supported or will be supported before monitoring begins.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14429 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-98-C]

Beatrice Pocahontas Co.; Petition for Modification of Application of Mandatory Safety Standard

Beatrice Pocahontas Company, P.O. Box 11430, Lexington, Kentucky 40575 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Beatrice Mine (I.D. No. 44-00238) located in Buchanan County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be examined in their entirety by a certified person on a weekly basis.

2. Petitioner states that poof and bottom conditions in the return entry of the No. 4 longwall section have rendered travel through the area unsafe.

3. As an alternate method, petitioner proposes to monitor ventilation at two evaluation points. Examinations of air quality, quantity and direction in the return entry will be taken daily on the head and tail of the longwall while persons are working on the longwall and the results recorded in a book on the surface.

4. In support of this request, petitioner states that each person working along the longwall face will be required to have a once-hour self-contained self-rescuer within 25 feet of his or her work area at all times. A diagram showing the normal direction of the air flow will be maintained in legible condition at the first-aid station. All persons who work on the longwall section will be instructed of the approved emergency evacuation procedures.

5. Petitioner states that the proposed alternate method will provide the same measure of protection for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14428 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-83-C]

Deer Creek Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Deer Creek Mining Company, P.O. Box 1039, Nortonville, Kentucky 42442 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Deer Creek Mine (I.D. No. 15-12958) located in Webster County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. Petitioner states that the use of cabs or canopies in the low mining height of the mine would severely impair visibility and encumber head clearance of the equipment operator, resulting in a diminution of safety.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14426 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-101-C]

Donald Swiney Mining Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Donald Swiney Mining Coal Company, P.O. Box 783, Elkhorn City, Kentucky 41522 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 1 Mine (I.D. No. 15-14464) located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mine is in the Elkhorn No. 2 seam and ranges from 36 to 48 inches in height, with consistent grades creating dips in the coalbed.

3. Petitioner states that the canopies could strike and dislodge roof support, creating the potential of a roof fall. In addition, the canopies limit the equipment operator's visibility and hamper his or her seating position, increasing the chances of an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14432 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-137-C]

Dotson Enterprises; Petition for Modification of Application of Mandatory Safety Standard

Dotson Enterprises, P.O. Box 399, Phelps, Kentucky 41553 has filed a petition to modify the appliation of 30 CFR 75.1710 (cabs and canopies) to its No. 1 Mine (I.D. No. 15-10803) located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The coal height varies from 42 to 48 inches with consistent ascending and descending grades throughout the seam.

3. Petitioner states that the canopies restrict the equipment operator's position and limit visibility, increasing the chances of an accident. In addition, the canopy could strike and dislodge roof supports, increasing the chances of an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14430 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-6-M]

Homestake Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Homestake Mining Company, P.O. Box 875, Lead, South Dakota 57754 has filed a petition to modify the application of 30 CFR 57.19a-23 (wire rope) to its Homestake Mine (I.D. No. 39-00055) located in Lawrence County, South Dakota. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that nondestructive tests be conducted of the active length of the wire rope at least once each six months.

2. As an alternate method, petitioner proposes that the rope be examined by nondestructive (Rotesco) once each year during the three or four month period that the rope is used each year.

3. The #5 shaft is a primary intake ventilation shaft that also serves as the entry into the mine for electrical power. It is a vertical shaft, 17 feet in diameter, and lined with 6-inch steel sets on 10-foot centers. The shaft is open except for a small cage compartment that is six feet by four feet. A manway is on one side of the cage compartment and an electrical compartment is on the other. These three compartments are separated from the airway compartment by corrugated steel lacing.

4. Because of the depth of the shaft, a concrete hoist house was constructed. A double-drum electric hoist is located in the hoist house. Because of the formation of ice in the shaft during the winter, the use of the cage becomes impossible. For a three to four month period each summer (June through September) the rope, which has been stored on the drum, is placed over the sheave and attached to the cage. A crew of shaft personnel inspect the shaft and make necessary repairs, including any repairs to the electric power cables.

5. The present 1½-inch rope (6 x 19) was installed in June 1957 and visual inspection and Rotesco readings show no appreciable wear. These checks are made during the short period of use as the rope is stored on the drum for the remainder of the time. A visual inspection is made of the rope each week that it is being used, but because it is stored on the drum, no inspection can be made during the remainder of the year.

6. A change is contemplated from a thimble-and-clip connection to the cage to the use of a socket. This change is being made to expedite the installation of the rope from the hoist drum to the cage. Because the rope will be socketed with molten zinc and the rope is not flexed by thimble or clips, there is only a limited possibility that corrosion of the rope would occur. This, coupled with the limited use of the rope, should make it necessary to cut the rope above the cage only once during a three year period.

7. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14424 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-97-C]

Jones & Laughlin Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

Jones & Laughlin Steel Corporation, 3 Gateway Center, Pittsburgh, Pennsylvania 15263 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Olga Mine (I.D. No. 46-01407) located in McDowell County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be examined by a certified person in their entirety on a weekly basis.

2. The 3 West section operates in a barrier block of coal, which was left to protect the main haulage road during early development. The return air from this section passes through the return entries of South Main A between 3 East and Left East Mains, and then crosses the 1 North Mains at the overcasts and exhausts through the Coalwood return shaft. These airways were developed approximately 50 years ago utilizing wooden headers and posts for roof support. Such support has deteriorated, resulting in numberous roof falls which render substantial portions of these areas no longer passable.

3. As an alternate method, petitioner proposes to establish an air measurement station at the overcast of No. 3 West Intersection, where the quantity, quality and the direction of the air current will be measured by a certified person on a daily basis. A date board will be placed at the air measurement station. The air measurement station and approaches to such station will, at all times, be maintained in a safe condition. The date, time and results of these measurements will be recorded in a book kept at the mine office.

4. Petitioner states that the proposed alternate method will provide the same measure of protection for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14419 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-110-C]

K. M. & K. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

K.M. & K Coal Company, Box 40, Spring Glen, Pennsylvania 17978 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity and velocity) to its No. 14 Vein Slope (I.D. No. 36-07244) located in Northumberland County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. Ignition, explosion and mine fire history are non-existent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable and cold conditions in the already uncomfortable, wet mine.

7. As an alternate method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line by 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the proposed alternate method will provide the same measure of protection for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14421 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-106-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, 301 North Memorial Drive, St. Louis, Missouri 63166 has filed a petition to modify the application of 30 CFR 75.1707 (escapeways; intake air; separation from belt and trolley haulage entries) to its Camp No. 2 U/G Mine (I.D. No. 15-02705) located in Union County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. A summary of the petitoner's statements follows:

1. The petition concerns the requirement that the escapeway required to be ventilated by intake air be separated from the belt and trolley haulage entries of the mine for the length of such entries to the beginning of each working section.

2. The new #9 unit will be located just south of the slope entrance to the mine. The short south main will be driven to develop the new west main. The intake air will be brought down the slope, shuttle belt and mainline track. Air could be brought from the intake air shaft located just west of the slope; however, it is blocked by many roof falls, making escape and total complete

ventilation from this air shaft virtually impossible.

3. As an alternate method, petitioner proposes that:

a. A maximum length of 2,500 feet of belt, including the slope belt, will be in the intake airway. From that point, the intake air will be separated from the belt and track by means of airlock and doors;

b. A 100-foot section of trolley wire, inby the intersection of the #9 unit track with the mainline track, will be removed. This will limit the length of energized trolley wire in the intake airway to 600 feet;

c. A carbon monoxide monitor will be installed at the #9 unit tailpiece. This monitor will sound an audible and visual alarm at the section power center when the CO concentration reaches 10 ppm above ambient;

d. SCSR (Self-Contained Self-Rescuers) will also be provided on the unit for every person. SCSRs will also be provided on each piece of equipment;

e. The belt and track haulage entries to #9 unit will be examined by a certified person at least every four hours while the unit is in production. Records will be kept of these examinations;

f. Metal doors will be erected across the return airway. These doors could be closed in the event of a fire, which would short circuit the return air and allow the miners a separate escapeway to the 2nd east intake air shaft; and

g. All persons working on unit #9 will be advised of these safety precautions.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14427 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-71-C]

North River Energy Co.; Petition for Modification of Application of Mandatory Safety Standard

North River Energy Company, P.O. Drawer 519, Berry, Alabama 35546 has filed a petition to modify the application of 30 CFR 75.1103 (automatic fire warning devices) to its North River No. 1 Mine (I.D. No. 01-00759) located in Fayette County, Alabama. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that devices be installed on all belts which will give a warning automatically when a fire occurs on or near such belt.

2. Continuous miner sections are developed by driving five to nine entries, and room development and pillar extraction is practiced. Longwall sections are typically developed by driving three to five entry sections. Mine ventilation is provided by one intake air shaft, one intake air slope and one return air shaft. One fan, located above the return air shaft, is used to draw air through the mine. Ventilation is provided to the working sections by one or two intake entries, one (3 entry longwall development) or two return entries and one to three neutral entries which are separated from the intake and return aircourses by permanent stoppings. One of the neutral entries serves as a combination belt and track entry. Track mounted equipment in this entry is operated by battery power or an electric trolley system.

3. As an alternate method, petitioner proposes to install an MSHA approved, or equivalent, carbon monoxide monitoring system. In support of this request, petitioner states that:

a. Low-level carbon monoxide monitors will be installed along the beltline at intervals not exceeding 3,000 feet to monitor the air on the beltline at least every 20 minutes. Location of the monitors will be submitted for approval in the mine's Ventilation System and Methane and Dust Control Plan;

b. A communication system will be installed which will transmit data from the carbon monoxide detectors to a central location either on the surface or underground where a responsible person, equipped with a mine phone or equivalent system, will be on duty at any time personnel are in the monitored area(s) of the mine;

c. Anytime a monitor detects a concentration of 20 p.p.m. above the ambient level for the mine, an alert signal will be given at the central location. The communication system installed at the central location will be capable of identifying the activated detector signal and will have a map or schematic to identify the location of the signal;

d. When an alert signal is transmitted to the central station, the person on duty will immediately notify the mine foreman for that shift, who will investigate the cause of the activated signal. The alert signal will continue until the concentration of carbon monoxide falls below 20 p.p.m. above ambient.

e. The monitor located at or near each section loading point will give an audible alarm signal when it detects carbon monoxide concentrations of 30 p.p.m. above ambient. When this alarm sounds, all miners in the affected section, except those necessary to correct the condition, will be withdrawn to the nearest communication station;

f. The belt entries will be separated from other intake and return entries with permanent-type stoppings and controls as approved by the District Manager in the mine's Ventilation System and Methane and Dust Control Plan;

g. The carbon monoxide monitors will be visually checked once each working day and calibrated with a known concentration of carbon monoxide at least once each 30 days. The results of the daily and monthly checks will be recorded in a book for that purpose and made available for inspection by an authorized MSHA representative.

4. Petitioner further proposes that at anytime the carbon monoxide monitoring system has been deenergized, for reasons such as power outages or maintenance, the belt conveyor be allowed to continue to operate, provided the entry or entries affected will be continuously patrolled and physically monitored by a qualified person with carbon monoxide detector tubes or equivalent means until the system returns to normal operation.

5. Petitioner states that the proposed alternate method will provide the same measure of protection to the miners affected as that afforded by this standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All

comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14420 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-15-M]

River Cement Co.; Petition for Modification of Application of Mandatory Safety Standard

River Cement Company, Festus, Missouri 63028 has filed a petition to modify the application of 30 CFR 56.11-26 (fixed ladders) to its Selma Plant, Quarry and Mill (I.D. No. 23-00188) located in Jefferson County, Missouri. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fixed ladders 70 degrees to 90 degrees from the horizontal and 30 feet or more in length shall have backguards, cages, or equivalent protection, starting at a point not more than seven feet from the bottom of the ladders.

2. Petitioner has a fixed vertical metal ladder, approximately 200 feet in length, attached to the smokestack. This ladder is never used by employees in the course of their duties. The only danger to health or safety arises from the possibility of unauthorized climbing by person(s) unknown.

3. As an alternate method, petitioner proposes to render the ladder inaccessible and prevent persons from using it by cutting off the bottom eight feet of the ladder and posting a sign forbidding the climbing of the ladder by any person. If it ever becomes necessary for an outside contractor to climb the ladder, petitioner will establish and review a safe procedure with MSHA.

4. Petitioner states that the proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1984. Copies of the petition are available for inspection at that address.

Dated: May 22, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-14431 Filed 5-29-84; 8:45 am]

BILLING CODE 4510-43-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-245]

Connecticut Light and Power Co., et al.; Consideration of Issuance of Amendment to Provisional Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-21 issued to Connecticut Light and Power Company, Western Massachusetts Electric Company and Northeast Nuclear Energy Company (the licensees), for operation of the Millstone Nuclear Power Plant, Unit 1 located in New London County, Connecticut.

The amendment would change the Technical Specifications to allow return to full power operation for fuel Cycle 10 following the ninth refueling outage in accordance with the licensees' application for amendment dated April 9, 1984. During the outage, 200 more highly enriched and poisoned (longer life) fuel assemblies than previously used in Millstone-1 core will replace 200 of the oldest—most depleted fuel assemblies. The higher enrichment will increase expected fuel life from 8022 MWD/ST in Cycle 9 to 8513 MWD/ST for Cycle 10. The technical specification changes involve Maximum Average Planar Linear Heat Generation Rate (MAPLHGRs), Minimum Critical Power Ratio (MCPRs), Limiting Conditions of Operation (LCO) for Feedwater Coolant Injection Sub-system (FWCI) and Isolation Condenser System (ICS), LCO and Surveillance Requirements for the turbine by-pass system and Safety Relief valves, Reactor Protection System with operating mode switch in Shutdown and Refuel, scram delay increase in generator load reject, and degraded grid voltage.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance witht the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of standards for a no significant hazards consideration determination by providing certain examples (April 6, 1983, 48 FR 14870). One of the examples (iii) of actions not likely to involve a significant hazards consideration provides for a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and the NRC has previously found such methods acceptable. Notwithstanding, the higher enrichment proposed for this refueling, the fuel assemblies to be reloaded are not significantly different from those found previously acceptable to the NRC for a previous core at Millstone-1. This is because the higher enrichment and poison concentration does not affect performance characteristics and the mechanical design is unchanged from Cycle 9. Another example (ii) is a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement. New LCO and surveillance requirements for turbine by-pass, safety/relief valves, reactor protective system, and degraded grid voltage changes fall within the scope of this example. The remainder of the changes, i.e., longer delay in generator load reject and temperature instead of pressure limits for FWCI and ICS fall within example (vi). Example (vi) is a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all

acceptable criteria with respect to the system or component specified in the Standard Review Plan. The Millstone-1 thermal hydraulic design evaluation remains bounded by the FSAR and previsously acceptable reload analyses. In addition, the calculated thermal performance of the proposed Millstone-1 Cycle 10 core during accidents and transients remains within bounds of previously accepted analyses. Thus, the staff proposes to determine that the requested action involves no significant hazards consideration because it would not involve a significant increase in the probability or consequence of an accident previously evaluated, would not create the possibility of a new or different kind of accident from any previously evaluated and would not involve a reduction in a margin of safety. The staff, therefore, proposes to determine that the requested action would involve a no significant hazards consideration determination.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By June 29, 1984, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspects of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 [in Missouri (800) 342–6700]. The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Dennis M. Crutchfield: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

For the Nuclear Regulatory Commission.

James E. Lyons,

Acting Chief, Operating Reactors Banch No. 5, Division of Licensing.

[FR Doc. 84-14409 Filed 5-29-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket NO. 50-320]

General Public Utilities Nuclear Corp.; Issuance of Exemption 10 CFR 50.48(c)

The U.S. Nuclear Regulatory Commission (the Commission) has issued an Exemption from some of the schedular requirements of 10 CFR 50.48(c) relative to the fire protection requirements of 10 CFR Part 50 Appendix R.

GPU Nuclear Corporation, Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (collectively, the licensee) are the holders of Facility Operating License No. DPR-73, which had authorized operation of the Three Mile Island Nuclear Station, Unit 2 (TMI-2) at power levels up to 2772 megawatts thermal. The facility, which, is located in Londonderry Township, Dauphin County, Pennsylvania, is a pressurized water reactor previously used for the commercial generation of electricity.

By Order for Modification of License, dated July 20, 1979, the licensee's authority to operate the facility was suspended and the licensee's authority was limited to maintenance of the facility in the present shutdown cooling mode (44 Fed. Reg. 45271). By further Order of the Director, Office of Nuclear Reactor Regulation, dated February 11, 1980, a new set of formal license requirements was imposed to reflect the post-accident condition of the facility and to assure the continued maintenance of the current safe, stable, long-term condition of the facility (45 Fed. Reg. 11292). This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section 50.48(c) established the schedule for satisfying the provisions of Appendix R. Section III of Appendix R contains 15 subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. Two of these 15 subsections, III.G and III.O, are the subject of this Exemption. Subsection III.G specifies detailed requirements for fire protection of the equipment used for safe shutdown by means of separation and barriers (III.G.2). If the requirements for separation and barriers could not be met in an area, alternative safe shutdown capability, independent of that area and equipment in that area, was required (III.G.3).

Subsection III.0 required that the recator coolant pump be equipped with an oil collective system if the containment is not inerted during normal operation. The system to be capable of collecting lube oil from all potential pressurized and unpressurized leakage sites in the reactor coolant pump lube oil systems.

Section 50.48(c) required completion of all modifications to meet the provisions of Appendix R within a specified time from the effective date of this fire protection rule, February 17, 1981, except for modifications to provide alternative safe shutdown capability. These latter modifications (III.G.3) require NRC review and approval and § 50.48(c) requires their completion within a certain time after NRC approval. The date for submittal of design descriptions of any modifications to provide alternative safe shutdown capability was specified as March 19, 1981.

By letter dated March 24, 1981, the licensee requested exemptions from 10 CFR 50.48(c) with respect to the requirements of Section III.G and III.0 of Appendix R as follows:

(1) Extend until the end of the Recovery Mode the date for filing additional exemptions or complying to the requirements, plans and schedule to achieve compliance with Section III.G as required by 50.48(c).

(2) Extend until the end of the Recovery Mode, the date for filing additional exemptions or complying to the requirements, plans and schedule to achieve compliance with Section III.0 as required by 50.48(c).

Prior to the issuance of Appendix R, TMI-2 had been reviewed against the criteria of Appendix A to the Branch Technical Position 9.5-1 (BTP 9.5-1). The BTP 9.5-1 was designed to resolve the lessons learned from the fire at Browns Ferry Nuclear Plant. It is broader in scope than Appendix R, formed the nucleus of the criteria developed further in Appendix R and its present, revised form constitutes the section of the Standard Review Plan used for the review of applications for construction permits and operating licenses of new plants. The review of the Fire Hazards Analysis based on Appendix R and BTP 9.5-1 was completed by the NRC staff and its fire protection consultant and a Fire Protection Safety Evaluation Report (FPSER) was provided to the staff by the consultant on February 28, 1983. Even though the fire hazards analysis was acceptable, several suggestions were proposed by our contractor relative to the licensee's fire protection program. These suggestions are discussed in separate correspondence.

With respect to items relating to safe shutdown capability, the staff agrees with the licensee that the TMI-2 reactor is in a cold shutdown condition with no active systems required for core cooling. However, certai instrumentation is required for monitoring various parameters such as reactor coolant temperature and neutron flux level to insure that a cold shutdown condition is maintained. Additionally, several backup systems are required which can provide makeup and maintain pressurization for the reactor collant system if necessary. It is the staff's opinion that even though Appendix R requirements are not appropriate for the unique conditions at TMI-2, the Proposed Technical Specifications and the Recovery Operations Plan would be acceptable as an alternative location for specific fire protection requirements for systems used to maintain and verify that cold shutdown. Therefore, it is our position that systems used for monitoring or maintaining the reactor in a stable cold shutdown condition (e.g., monitoring instrumentation, the Mini-Decay Heat Removal System and the Standby Pressure Control System) should have fire protection features.

A summary of present and proposed fire protection features for systems required to maintain or monitor a cold shutdown as discussed above should be submitted to the NRC in addition to a change to your Technical Specifications to include these features within 60 days of the date of the exemption.

With regard to the Oil Collection System for reactor coolant pumps, the staff finds that an exemption to the schedular requirements of 10 CFR 50.48(c) is warranted because of the shutdown condition of TMI-2 and the prohibition to operate the pumps per the technical specifications.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants the following exemptions with respect to the requirements of 10 CFR 50.48(c).

(1) Extend until the end of the Recovery Mode, the date for filing additional exemptions or complying to the requirements, plans and schedule to achieve compliance with Section III.G as required by § 50.48(c);

(2) Extend until the end of the Recovery Mode, the date for filing exemptions or complying to the requirements, plans and schedule to achieve compliance with Section III.O as required by 50.48(c).

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.

The exemption complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this exemption was not required since it does not involve a involve a significant hazards consideration.

For further details with respect to this action, see the exemption request dated March 24, 1981. This item is available for public inspection at the Commission's Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Government Publications Section, State Library of Pennsylvania 17126. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Program Director, TMI Program Office, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 18th day of May, 1984.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, Three Mile Island Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 84-14410 Filed 5-29-84; 8:45 am]

BILLING CODE 7509-01-M

[Docket No. 50-416]

Mississippi Power & Light Co., Middle South Energy, Inc., and South Mississippi Electric Power Association (Grand Gulf Nuclear Station); Order Requiring Diesel Generator Inspection (Effective Immediately)

I

Mississippi Power & Light Company, Middle South Energy, Inc., and South Mississippi Electric Power Association (the licensees) are the holders of Facility Operating License No. NPF-13, which authorizes the operation of the Grand Gulf Nuclear Station, Unit 1 (the facility) at steady-state reactor power levels not in excess of 191 megawatts thermal. The facility consists of a boiling water reactor (BWR/6) with a Mark III containment located in Claiborne County, Mississippi.

II

On August 12, 1983, the main crankshaft on one of the three emergency diesel generators (EDGs) at the Shoreham Nuclear Power Station, which were manufactured by Transamerica Delaval, Inc. (TDI), broke into two pieces during a load test. During the course of the evaluation of the failure, information related to the operating history of TDI engines has been identified which calls into question the reliability of all TDI diesels. The operational problems associated with TDI diesels have significantly reduced the staff's level of confidence in the reliability of all TDI diesel generators.

III

As a result of the above, there is a question concerning the reliability of the TDI diesel generators installed at the Grand Gulf facility. Staff analysis indicates that the total loss of diesels at 5% power would not significantly increase the risk of low-power operation. Nevertheless, one of the contributors to that risk is some very low probability environmental events. That risk is reduced if the reliability of the TDI diesel generator is enhanced. Consequently, it is appropriate to have increased assurance as to reliable onsite power. Moreover, for full-power operation, a high degree of reliability is required for the diesel generators. The most appropriate method to obtain information about the specific conditions of the diesel generators at Grand Gulf is to disassemble and inspect the diesel generator which has been operating the longest. The public interest requires that the questions about the reliability of the Grand Gulf diesel generators be resolved promptly. While these questions are being resolved, there is a need to enhance the availability of other sources of power supplied to the facility.

Therefore, the public health, safety and interest require that the diesel generator with the most hours of operation be inspected prior to proceeding above 5% power and that while this diesel is disassembled, the licensees provide additional power supplies and compensatory actions set forth in this order. Attachment 4 is the staff's safety evaluation for operation under the present low power license with one diesel generator undergoing inspection.

IV

Accordingly, pursuant to sections 103, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that:

A. 1. The Division 1 TDI diesel generator shall be disassembled for inspection within 10 days of the date of this Order in accordance with the Inspection Description which describes the components to be inspected and the inspections to be performed.

2. All defective parts found shall be replaced prior to declaring the engine operable. The engine block and engine base may be expected if indications are non-critical. Non-critical indications are defined as not causing oil or water leakage, not propagating, or not adversely affecting cylinder liners or stud holes.

3. Preoperational testing must be performed on the inspected engine prior to declaring it operable. This phase of testing shall include the manufacturer's preoperational test recommendations and the following elements, if they are not already included in the manufacturer's recommendations, unless they would not be recommended by the manufacturer in order to satisfy operability requirements.

—10 modified starts to 40% load
—2 fast starts to 70% load
—1 24-hour run at 70% load

A modified start is defined as a start including a prelube period as recommended by the manufacturer and a 3 to 5 minute loading to the specified load level and run for a minimum of 1 hour. The fast starts are "black starts" conducted from the control room on simulation of an ESF signal with the engine on ready standby status. The engine shall be loaded to 70% and run for 4 hours at this load on each fast start test. The 24-hour performance run is

required to detect abnormal temperatures and/or temperature excursions that might indicate abnormal engine behavior. Either a modified or quick start may be utilized.

Should these tests not be performed satisfactorily at the first attempt, i.e., the 10 modified starts shall be performed successively with no failure, the NRC shall be notified within 24 hours. A failure is defined as an inability of the engine to start, or an abnormal condition during the respective run which would ultimately preclude the engine from continuing to operate.

B. The licensees shall not operate the Grand Gulf facility under the terms of License No. NPF–13 unless such operation is in conformance with the revised interim technical specifications of this Order.

C. The Director, Division of Licensing may terminate in writing any of the preceding conditions for good cause.

V

Within 20 days of the date of this Order, the licensees may request a hearing on this Order. Any request for a hearing on this Order must be filed within 20 days of the date of the Order with the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address. A request for a hearing shall not stay the immediate effectiveness of Section IV of this Order.

If the licensees request a hearing on this Order, the Commission will issue an order designating the time and place of hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether this Order should be sustained.

Dated at Bethesda, Maryland, this 22nd day of May 1984.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 84–14411 Filed 5–29–84; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Meeting Date Change

The ACRS Subcommittee on Advanced Reactors scheduled for June 13, 1984 has been rescheduled for Tuesday, June 12, 1984, 8:00 a.m.–10 a.m., Room 1167, 1717 H Street, NW, Washington, DC. The Subcommittee will review NRC activities related to LMFBR research.

All other items regarding this meeting remain the same as announced in the Federal Register published Tuesday, May 22, 1984 (49 FR 21580).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: May 24, 1984.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 84–14406 Filed 5–29–84; 8:45 am]

BILLING CODE 7509–01–M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Requests for Determinations of Substantial Damage and No Substantial Damage With Respect to Cessation of Contributions by Arrow Transportation Co., Inc., to Road Carriers Local 707 Pension Fund

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of requests.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation ("PBGC") has received a request from Road Carriers Local 707 Pension Fund (the "Fund") for a determination of substantial damage under section 4203(d)(4) of the Employee Retirement Income Security Act of 1974 ("ERISA"), and a request from Arrow Transportation Co., Inc. ("Arrow"), for a determination of no substantial damage under section 4203(d)(5) of ERISA, with respect to the cessation of contributions under the Fund by Arrow. Section 4203(d) provides a special withdrawal rule for cessations of contributions involving plans and employers in the trucking industry (as defined in that section). Under that special rule, an employer that ceases contributions to a plan is considered not to have withdrawn from the plan if certain conditions are met. One of these conditions is that the employer must post a bond or deposit money in escrow. After the bond/escrow requirement has been satisfied, the PBGC may make a finding under section 4203 (d)(4) or (d)(5) regarding the effect of the cessation on the plan's contribution base. If substantial damage is found, under section 4203(d)(4), the employer will be treated as having withdrawn from the plan and the bond or escrow will be paid to the plan. If no substantial damage is found, under section 4203(d)(5), the bond will be canceled or the escrowed amount returned to the employer and the employer will have no further liability under the plan. (The PBGC may also decline to make any finding.) The effect of this notice is to advise interested persons of these requests for such findings and to solicit their views on the requests.

DATES: Comments must be submitted on or before July 16, 1984.

ADDRESSES: All written comments (at least three copies) should be addressed to: Director, Corporate Policy and Regulations Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The requests and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Deborah Murphy, Attorney, Corporate Policy and Regulations Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254–4860 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 4203(d) of the Employee Retirement Income Security Act of 1974 ("ERISA") provides a special withdrawal rule for the trucking industry, which, for purposes of this rule, is considered to include the long and short haul trucking industry, the household goods moving industry, and the public warehousing industry. The rule is limited to trucking plans, *i.e.*, plans under which substantially all of the contributions required are made by employers primarily engaged in the trucking industry. The rule is also limited to trucking employers, *i.e.*, those that have an obligation to contribute under a trucking plan primarily for work in the trucking industry.

Under section 4203(d) of ERISA, a trucking employer will not be considered to have withdrawn from a trucking plan merely because the employer permanently ceases to have an obligation to contribute under the plan or permanently ceases all covered operations under the plan, if certain conditions are met. One condition is that the employer must not continue to perform work within the jurisdiction of the plan. Another condition is that the employer must furnish a bond or an amount held in escrow in an amount equal to 50 percent of the withdrawal liability of the employer.

After the bond or escrow is established, the Pension Benefit Guaranty Corporation ("PBGC") may, within 60 months after the time the employer's covered operations or obligation to contribute ceased, make a determination about the effect of the cessation (considered together with any cessations by other employers) on the plan's contribution base. If the PBGC makes a finding under section 4203(d)(4) that the contribution base has suffered substantial damage, the employer will be treated as having withdrawn from the plan on the date when the obligation to contribute or covered operations ceased, and the bond or escrow will be paid to the plan. If the PBGC finds under section 4203(d)(5) that no substantial damage has occurred, or if it has not make a finding of substantial damage under section 4203(d)(4) within the 60-month time period referred to above, then the bond will be cancelled or the escrow refunded and the employer will have no further liability under the plan.

As noted above, each cessation must be considered within the context of other cessations under the same plan in determining its effect on the plan's contribution base. Thus, the treatment accorded one employer's cessation of contributions may have a bearing on the treatment given a cessation by another employer. Accordingly, not only the plan and employer involved in a particular case, but also other present and former contributing employers, as well as participants and beneficiaries, may have an interest in the outcome of a request for a finding of substantial damage or no substantial damage.

In this case, the Road Carriers Local 707 Pension fund (the "Fund") has requested the PBGC to find that the cessation of contributions under the Fund by Arrow Transportation Co., Inc. ("Arrow"), has substantially damaged the Fund's contribution base, and Arrow has requested the PBGC to find that its cessation of contributions under the Fund has not substantially damaged the Fund's contribution base. The purpose of this notice is to advise the public of the pendency of these requests. If any persons wish to comment on these requests, they may do so by submitting written comments to the PBGC at the above address by July 16, 1984. Each comment should include the commenter's name, address and telephone number. All comments will be made a part of the record. Comments received, as well as the requests, will be available for public inspection at the above address.

Issued at Washington, D.C., this 24th day of May 1984.

C. C. Tharp,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 84-14392 Filed 5-29-84; 8:45 am]

BILLING CODE 7708-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 04/04-0233]

Atlon Fund, Ltd. Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Atlon Fund, Ltd. (Applicant), a limited partnership temporarily located at 1150 Hammond Drive, Suite 4100, Atlanta, Georgia 30328, with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1984).

The Applicant will begin operations with a capitalization of $1,500,000 and will be a source of equity capital and long term loan funds for qualified small business concerns whose needs might not be met by traditional funding sources. The General Partner, Zusa, Inc., will contribute $1,100,000 to the partnership capital. The sole owner of Zusa, Inc. is Atlon S.A., a Luxembourg Corporation formed under the Luxembourg law of July 31, 1929, concerning Holding Companies. There will be no limited partners owning 10 percent or more of the partnership capital.

The officers, directors, and sole shareholders of the corporate general partner are:

Name, Address, Title, and Relationship

Max H. Suite, 500 Gunwale Lane, Longboat Key, Florida 33548 U.S.A.—President, Treasurer, and Director
Stanislav Jirout, 3035 Bayshore Road, Sarasota, Florida 33580—Vice President, Secretary, and Director
Geoffrey Nethercott, 26 Burlington Road, London, W4 4BG, England—Director
H. F. Mouncey, Wyllesta, Avery Lane, Otham, Maidstone, Kent ME 15 8RZ, United Kingdom—Director
A. G. Sebastian, Ballatane, Andreas, Isle of Man, Great Britain—Director
Donald Rees Williams, 60, Queensgate, London S.W.F., United Kingdom—Director
Sir Lionel Thompson, 16 Old Buildings, Lincoln's Inn, London W C2A 3VP, United Kingdom—Director
Oscar Leron White, 3555 S. Atlantic Avenue, Daytona Beach, Florida 32018—Director
Galen J. Wilson, 2320 Sugar Ridge Lane, Centerville, Ohio 45459—Director
Gunter Rischer, 4 Allee De La Foret, 78170 La Celle St. Cloud, France—Director
Charles John Nash, Jr., 1050 Mitsy Forest Drive, Marietta, Georgia—Director
Mahfouz El Shahawy, 1851 Arlington Street, Sarasota, Florida 33579—Director
Richard A. Brown, 2601 Parkway #924, Philadelphia, Pennsylvania 19130—Director
Updesh Singh Cheema, 15 E. Granada Avenue, Ormond Beach, Florida—Director
Jacques Jhr. de Bruyn, 2 bis, Rue Honore Labarde, MC 98000 Monaco—Director
Francis Nicholas Hoogewerf, Ferme Lorenscheuer Bertrange, Luxembourg—Director
Alistair C. Porter, 1 First Street London, England SW3—Director
Malcolm Strandberg, 1618 Roman Point Drive, Norcross, Georgia 30093—Director
James E. Carter, 911 Henley Road South, Richmond, Indiana 47374—Director
Jos P. Geerts, 911 Canal Terrace, Port Charlotte, Florida 33948—Director
Herman Van Gucht, 457 Bal Harbor Boulevard 457, Punta Gorda, Florida 33955—Director
George R. Hunerlach, 541 Birdie Lane, Longboat Key, Florida 33548—Director
Wihelmus Smits, 14 Bury Molen Broek Street, 2645 Mk. Delfyauw, Holland—Director
Atlon, S.A., 43, Rue Goethe, Luxembourg—100 Percent Shareholder
Atlon Consultants, Ltd., P.O. Box 10, Tower Street Centre, Ramsey, Isle of Man—Investment/Advisor
John Donnelly, LA Vaurocque, Sark, Channel Islands, United Kingdom—Officer and Director of Atlon Consultants, Ltd.
Dr. Otto Tondury, P.O. Box 777, Triesenberg, Liechtenstein—Officer and Director of Atlon Consultants, Ltd.

Zusa, Inc., was established only to manage the Applicant. Atlon S.A. is an investment company.

The Applicant intends to conduct its operations principally in the States of Georgia, Florida, and Indiana.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than June 29, 1984, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 141 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Atlanta, Georgia,

Sarasota, Florida, and Wayne County, Indiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 21, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-14332 Filed 5-29-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0335]

Bancorp Ventue Capital, Inc.: Issuance of a License To Operate as a Small Business Investment Company

On Mary 19, 1984, a notice was published in the **Federal Register** (Vol. 49, No. 10214), stating that Bancorp Venture Capital, Inc. located at 2633 Cherry Avenue, Signal Hills, California 90806, had filed an application with the Small Business Administration pursuant to (13 CFR 107.102(1984), for a license as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until close of business April 3, 1984, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 09/09-0335 on May 4, 1984, to Bancorp Venture Capital Inc., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

[FR Doc. 84-14334 Filed 5-29-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 01/01-0322]

Moneta Capital Co.; Issuance of Small Business Investment Company License

On November 29, 1983, a Notice was published in the **Federal Register** (48 FR 14106) stating that Moneta Capital Corporation, 285 Governor Street. Providence, Rhode, Island 02906 had filed an Application with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies [13 CFR 107.102 (1983)] for a license to operate as a small business investment company.

Interested parties were given until the close of business December 14, 1983, to submit their comments on the Application to SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 01/01-0322 on May 4, 1984, to Moneta Capital Corporation pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No.59.011. Small Business Investment Companies)

Dated: May 22, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-14333 Filed 5-29-84; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 10/10-0185]

Trendwest Capital Corp.; Application for a License To Operate as a small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1984)), for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act). (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

Applicant: Trendwest Capital Corporation

Address:803 Main Street, Suite 102, Klamath Falls, Oregon 97601

The proposed officers, directors and stockholders of the Applicant are as follows:

Mark E. Nicol, P.O. Box 5106 Klamath Falls, Oregon—President/General Manager (2.5%)

R. L. Wendt, 826 Loma Llnda Drive, Klamath Falls, Oregon—Vice President/Treasurer

Allan Craigmiles, 4316 El Cerrito Way, Klamath Falls, Oregon—Vice President

R. C. Wendt, 2526 Yonna Street, Klamath Falls, Oregon—Secretary

Trendwest Development Company, Inc., 3303 Lakeport Boulevard, Klamath Falls, Oregon (97.5%)

The Applicant, a Oregon corporation, with its principal place of business at 803 Main Street, suite 102, Klamath Falls, Oregon 97601, will begin operations with $1,000,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of Oregon.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment act and the SBA Rules and Regulatiosn.

Notice is hereby given that any person may, not later than 30 days from the of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice should be published in a newpaper of general circulation in the Klamath Falls, Oregon area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 22, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-14331 Filed 5-29-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2137]

Alabama; Declaration of Disaster Loan Area

Montgomery County in the State of Alabama constitutes a disaster area because of damage caused by a series of tornadoes on May 14, 1984. Applications for loans for physical damage may be filed until the close of business on July 23, 1984, and for economic injury until the close of business on February 25, 1985, at the address listed below: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring Street, SW., Suite 822, Atlanta, Georgia 30303, or other locally announced locations.

Interest rates are: Homeowners with credit available elsewhere, 8.000%; Homeowners without credit available elsewhere, 4.000%; Businesses with credit available elsewhere, 8.000%; Businesses without credit available elsewhere, 4.000%; Businesses (EIDL) without credit available elsewhere, 4.000%; Other (non-profit organizations including charitable and religious organizations), 10.500%.

The number assigned to this disaster is 213712 for physical damage and for economic injury the number is 617300.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 23, 1984.

Heriberto Herrera,

Acting Administrator.

[FR Doc. 84-14438 Filed 5-29-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2138]

Massachusetts; Declaration of Disaster Loan Area

The area affected is bordered on the north by Boston/Main R.R. tracks, on the east by Howley St., on the south by Main St., and on the west by Coller St. in the City of Peabody, Essex County. This constitutes a disaster area because of damage resulting from a fire which occurred on May 10, 1984. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 23, 1984, and for economic injury until the close of business on February 25, 1985, at the address listed below: Disaster Area 2 Office, Small Business Administration, 15-01 Broadway, Fair Lawn, New Jersey 07410, or other locally announced locations.

Interest rates are: Homeowners with credit available elsewhere, 8.000%; Homeowners without credit available elsewhere, 4.000%; Businesses with credit available elsewhere, 8.000%; Businesses without credit available elsewhere, 4.000%; Businesses (EIDL) without credit available elsewhere, 4.000%; Other (non-profit organizations including charitable and religious organizations), 10.500%.

The number assigned to this disaster is 213805 for physical damage and for economic injury the number is 617400.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 23, 1984.

Heriberto Herrera,

Acting Administrator.

[FR Doc. 84-14435 Filed 5-29-84; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area #6172]

New Jersey; Designation of Disaster Loan Area

Monmouth County in the State of New Jersey constitutes a disaster area because of a fire which occurred on May 4, 1984. Eligible small businesses may file applications for economic injury assistance until the close of business on February 25, 1985, at the address listed below: Disaster Area 1 Office, Small Business Administration, 15-01 Broadway, Fairlawn, New Jersey 07410, 201-348-0011, or other locally announced locations.

The interest rate for eligible applicants is 4%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 23, 1984.

Heriberto Herrera,

Acting Administrator.

[FR Doc. 84-14434 Filed 5-29-84; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The Small Business Administration, Region X Advisory Council, located in the geographical area of Portland, will hold a public meeting at 10:00 a.m., on Friday, June 15, 1984, at the Bank of Oregon, Board Room, Corporate Headquarters, 1175 Mount Hood Avenue, Woodburn, Oregon, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Stewart L. Rollins, District Director, U.S. Small Business Administration, 1220 SW. 3rd, Room 676, Portland, Oregon 97204—(503) 294-5221.

Dated: May 22, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-14437 Filed 5-29-84; 8:45 am]

BILLING CODE 8025-01-M

Reporting and Recordkeeping Requirement Under OMB Review

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirement to OMB for review and approval, and to publish notice in the Federal Register that the agency has made such a submission.

DATE: Comments must be received on or before July 5, 1984. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the Agency Clearance Officer of your intent as early as possible.

Copies: Copies of the proposed form, the requests for clearance (S.F. 83), supporting statement, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency clearance officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538.

OMB reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-4814.

Form submitted for review:

Title: SBDC Counseling Evaluation.

Form No. SBA 1410.

Frequency: Quarterly.

Description of Respondents: Grantee to assess the effectiveness of SBDC counseling assistance.

Annual Responses: 50,000.

Annual Burden Hours: 12,500.

Type of Request: New.

Dated: May 24, 1984.

Richard Vizachero,

Acting Chief, Information Resources Management Branch.

[FR Doc. 84-14433 Filed 5-29-84; 8:45 am]

BILLING CODE 8025-01-M

Small Business Investment Co. Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.302 (a) and (b) limits the maximum annual Cost of Money (as defined in 13 CFR 107.3) that may be imposed upon a Small Concern in connection with Financing by means of Loans or through the purchase of Debt Securities. The cited regulation incorporates the term "FFB Rate", which is defined elsewhere in 13 CFR 107.3 in terms that require SBA to publish, from time to time, the rate charged by the Federal Financing Bank on ten-year debentures sold by Licensees to the Bank. Notice of this rate is generally published each month.

Accordingly, Licensees are hereby notified that effective *June 1, 1984,* and until further notice, the FFB Rate to be used for computation of maximum cost of money pursuant to 13 CFR 107.302 (a) and (b) is *13.555%* per annum.

13 CFR 107.302 does not supersede or preempt any applicable law imposing an interest ceiling lower than the ceiling imposed by its own terms. Attention is directed to section 308(i) of the Small Business Investment Act, as amended by section 524 of Pub. L. 96-221, March

31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Dated: May 24, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-14436 Filed 5-29-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Essex and Morris Counties, New Jersey

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Essex and Morris Counties, New Jersey.

FOR FURTHER INFORMATION CONTACT: Lloyd J. Jacobs, Staff Specialist for the Environment, Federal Highway Administration, 25 Scotch Road, Second Floor, Trenton, New Jersey 08628, Telephone: (609) 989-2291.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Jersey Department of Transportation (NJDOT) will prepare an Environmental Impact Statement on a proposal to construct the Triboro Rd./Eisenhower Pkwy., IXM-M-7737(101), in Essex and Morris Counties, New Jersey. The proposed project would construct a four lane roadway or lesser facility between: (1) The existing northern terminus of Eisenhower Parkway at Interstate Route 280, in Roseland, Essex County, north to the vicinity of the Henderson Drive and Passaic Avenue intersection in West Caldwell, Essex County, a distance of about 2.52 miles; and (2) from the existing southern terminus of Eisenhower Parkway at South Orange Avenue (Essex County Route 510) in Livingston, Essex County south to the proposed extension of NJ Route 24 Freeway in Chatham, Morris County, a distance of about 1.89 miles. This section of the proposed roadway is also known as Triboro Road.

The purpose of this project is to alleviate existing and projected travel capacity problems on Passic Avenue, Livingston Avenue, and West Northfield Road; reduce truck traffic on Livingston Avenue; and provide a north/south connector between proposed Route 24 Freeway, Routes I-280 and U.S. 46, by completing Eisenhower Parkway as originally planned. Eisenhower Parkway, now complete between South Orange Avenue in Livingston and I-280 in Roseland, empties its traffic onto other north/south city arterials which carry through as well as local traffic through the business and residential areas of intervening municipalities. The extermely high volumes on these roadways create delays to local emergency services and cause unsafe conditions to motorists and perdestrians.

Alternatives being considered are:

1. Extension of Eisenhower Parkway as a four-lane roadway on new alignment north to the vicinity of the Henderson Drive/Passaic Avenue intersection in West Caldwell, Essex County, and south to the proposed NJ Route 24 Freeway in Chatham Borough in Morris County.

2. Widening Passaic Avenue from two to four lanes north and south of Eisenhower Parkway termini coupled with bypassing of certain areas.

3. Transportation System Management (TSM) improvements (i.e. park and ride lots, ridesharing programs, transit service improvements, intersection upgrading and traffic signal changes).

4. The no action alternative.

The FHWA and NJDOT will continue to consult with the public and other government agencies.

No formal scoping meeting is planned at this time, as coordination with federal, state, and local agencies and the public has been in process since 1977 and will continue throughout project development.

Public meetings were held in 1977, 1978, and 1983. A public hearing will be held after the Draft EIS is published.

Issued on: May 21, 1984.

John J. Kessler, Jr.,

Division Administrator.

Lloyd J. Jacobs,

Staff Specialist for the Environment.

[FR Doc. 84-14358 Filed 5-29-84; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

[Docket S-756]

Show Cause Notice of Application; Section 605(c) of the Merchant Marine Act, 1936, as Amended

Notice is hereby given that on February 8, 1984, as amended April 2, 1984, application was made on behalf of Aeron Marine Shipping Company (Aeron) to substitute one 63,000 DWT dry bulk carrier under construction pursuant to section 615 of the Merchant Marine Act, 1936, as amended (Act), for the T8-S-100b tank vessel *Golden Dolphin*, which was lost at sea, in Operating-Differential Subsidy Agreement (ODSA), MA/MSB-166. Authority to amend ODSA MA/MSB-166 has also been requested to include the worldwide carriage of dry bulk cargoes with subsidy and preference cargoes without subsidy.

Aeron's application must be considered under two criteria of section 605(c) of the Act: (1) Whether or not existing U.S.-flag service is inadequate, and, if so, (2) whether or not additional vessels should be operated on such service in accomplishment of the purposes and policy of the Act.

With respect to adequacy of existing U.S.-flag dry bulk service, data indicate that only 1.2 to 1.5 percent of all dry bulk cargoes in U.S. foreign commerce moved in U.S. bottoms between 1980 and 1983.

With respect to the purposes and policy of the Act, section 101 of the Act states that such purposes and policy are "to foster the development and further the maintenance of a modern and effective Merchant Marine capable of meeting the nation's commercial and military needs." The granting of the Aeron application would increase the dry bulk sector of the U.S.-flag fleet by adding a modern, fuel-efficient vessel, competitively manned by U.S. citizens, and which is required to meet foreign-flag competition. The new vessel will compete with foreign-flag carriers, will carry a portion of the waterborne dry bulk export and import commerce of the United States and will be capable of serving as a naval auxiliary. The vessel will also make a contribution towards relieving the current gross inadequacy of U.S.-flag dry bulk service.

Interested parties are hereby given an opportunity to show cause why the Board should not find, under section 605(c) of the Act, that U.S.-flag worldwide dry bulk carriage is inadequate and that the effect of permitting the replacement under ODSA MA/MSB-166 of the *Golden Dolphin* by a 63,000 DWT dry bulk carrier would be in accomplishment of the purposes and policy of the Act.

Any person, firm or corporation having an interest in this application, and who desires to submit such showing of cause, may inspect the application and is invited to file a written statement, in triplicate, with the Secretary, Maritime Subsidy Board, Room 7300, Department of Transportation, 400

Seventh Street, S.W., Washington, D.C. 20590, by 5:00 P.M. on June 11, 1984.

Any party desiring an evidentiary hearing on the application should set forth his interest in the application and should, with particularly and specificity, articulate any and all facts upon which he desires to adduce evidence. Allegations of factual issues which the party wishes the Board to consider in a hearing shall include: (1) a clear and concise statement of the issues upon which a hearing is desired; (2) the grounds upon which such allegations rest, in such detail as to permit the board to determine their exact nature.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidy (ODS))

By Order of the Maritime Subsidy Board.

Dated: May 24, 1984.

Murray A. Bloom,

Assistant Secretary.

[FR Doc. 84-14406 Filed 5-29-84; 8:45 am]

BILLING CODE 4910-61-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in April 1984. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2981-X	DOT-E 2981	Hercules, Inc., Wilmington, DE	49 CFR 173.674(a), 173.93(a)	To authorize transport of certain Class A and B explosives in packagings not provided in 49 CFR. (Modes 1, 2, 4.)
3549-X	DOT-E 3549	Morton Thiokol, Inc., Hunstsville, AL	49 CFR 173.65(a), 173.77	To authorize transport of Class A explosives in special non-DOT specification packagings. (Modes 1, 2, 4.)
3549-X	DOT-E 3549	U.S. Department of Energy, Washington, DC.	49 CFR 173.65(a), 173.77	To authorize transport of Class A explosives in special non-DOT specification packagings. (Modes 1, 2, 4.)
3563-X	DOT-E 3563	....do....	49 CFR 172.101, 173.302(a), 173.415, 175.3.	To authorize transport of a nonflammable, nonliquefied compressed gas, in an inside steel sphere. (Modes 1, 2, 4, 5.)
3737-X	DOT-E 3737	....do....	49 CFR 172.101	To authorize shipment of certain military explosives in appropriate military or DOT Specification packaging which have improper markings (Modes 1, 2, 4.)
6039-X	DOT-E 6039	Rohm and Haas Co., Philadelphia, PA	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification insulated cargo tanks, for shipment of a flammable compressed gas. (Modes 1, 4.)
6113-X	DOT-E 6113	Bay State Gas Co., Canton, MA	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification cargo tank, for transportation of certain flammable gases. (Modes 1, 4.)
6113-X	DOT-E 6113	Utility Propane Co., Elizabeth, NJ	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification cargo tank, for transportation of certain flammable gases. (Modes 1, 4.)
6113-X	DOT-E 6113	New Jersey Natural Gas Co., Wall, NJ	49CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification cargo tank, for transportation of certain flammable gases. (Modes 1, 4.)
6113-X	DOT-E 6113	Philadelphia Gas Works, Philadelphia, PA	49 CFR 172.101, 173.315(a)	To authorize use of an non-DOT specification vacuum-perlite insulated cargo tank, for transportation of certain flammable gases. (Modes 1, 4.)
6113-X	DOT-E 6113	Commonwealth Gas Co., New Bedford, MA.	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification cargo tank, for transportation of certain flammable gases. (Modes 1, 4.)
6113-X	DOT-E 6113	San Diego Gas & Electric Co., San Diego, CA.	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification cargo tank, for transportation of certain flammable gases. (Modes 1, 4.)
6184-X	DOT-E 6184	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.318(a)(1)	To make certain proper shipping name, retest, reporting and travel time changes in consonance with Docket HM-115 rulemaking. (Modes 1, 3.)
6299-X	DOT-E 6299	Minnesota Valley Engineering, Inc., New Prague, MN.	49 CFR 173.315(a)(1)	To authorize manufacture, marking and sale of non-DOT specification portable tanks, for transportation of nonflammable gases. (Modes 1, 3.)
6464-X	DOT-E 6464	New Jersey Natural Gas Co., Wall, NJ	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification cargo tank, for transportation of certain flammable gases. (Modes 1.)
6611-X	DOT-E 6611	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.318(a)	To make certain proper shipping name, retest, reporting and travel time changes in consonance with Docket HM-115 rulemaking. (Modes 1, 3.)
6726-X	DOT-E 6726	Born Free Plastics, Inc., Gardena, CA	49 CFR 173.119(a), (b), 173.245(a)(26, 173.249(a)(1), 173.250(a)(1), 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.266(b)(8), 173.272(i)(9), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 178.19.	To authorize manufacture, marking and sale of non-DOT specification reusable blow-molded polyethylene containers, for shipment of certain corrosive liquids, flammable liquids and oxidizers. (Modes 1, 2, 3.)
6765-X	DOT-E 6765	U.S. Department of Interior, Amarillo, TX	49 CFR 173.318(a), 176.76(h)(4)	To authorize use of non-DOT specification containerized protable tanks, for transportation of a flammable and nonflammable gas. (Modes 1, 3, 4.)
6765-X	DOT-E 6765	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.318(a), 176.76(h)(4)	To renew, to make certain proper shipping name, retest, reporting, and travel time changes in consonance with Docket HM-115 rulemaking. (Modes 1, 3, 4.)
6765-X	DOT-E 6765	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.318(a), 176.76(h)(4)	To authorize use of non-DOT specification containerized portable tanks, for transportation of a flammable and nonflammable gas. (Modes 1, 3, 4.)
6765-X	DOT-E 6765	Union Carbide Corp., Danbury, CT	49 CFR 173.318(a), 176.76(h)(4)	To make certain administrative and operational changes in consonance with Docket HM-115 rulemaking. (Modes 1, 3, 4.)
6805-X	DOT-E 6805	....do....	49 CFR 173.301(d), 173.302(a)(3)	To authorize use of DOT Specification 3AAX steel cylinders, for transportation of a flammable compressed gas mixture. (Mode 1.)
6828-X	DOT-E 6828	Boyle-Midway, New York, NY	49 CFR 173.1200(a), 173.244(a)	To authorize use of inside glass bottles packed in non-DOT specification fiberboard boxes, for transportation of certain corrosive materials. (Modes 1, 2, 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6859-X	DOT-E 6859	Pyronetics Devices, Inc., Denver, CO	49 CFR 173.302(a)(1), 173.34(d), 175.3	To authorize use of non-DOT specification nonrefillable titanium alloy spherical pressure vessel, for shipment of a nonflammable compressed gas. (Modes 1, 3, 4.)
6895-X	DOT-E 6895	GTE Products Corp., Danvers, MA	49 CFR 173.140(a)(1), 175.3	To authorize shipment of zirconium liquid mixtures in a DOT Specification 37A steel drum. (Modes 1, 2, 3, 4.l)
6895-X	DOT-E 6895	North American Philips Lighting Corp., Bloomfield, NJ.	49 CFR 173.140(a)(1), 175.3	To authorize shipment of zirconium liquid mixtures in a DOT Specification 37A steel drum. (Modes 1, 2, 3, 4.)
7087-X	DOT-E 7087	Unitek Corp., Monrovia, CA	49 CFR 173.266(b), 175.3	To authorize shipment of small quantities of certain hazardous materials in non-DOT specification class, polyethylene, or other plastic containers. (Modes 1, 2, 3, 4, 5.)
7454-X	DOT-E 7454	E. I. DuPont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 176.410(e)(2), 176.83	To authorize blastings agent to be stowed in proximity to certain explosives without a bulkhead separating these materials. (Modes 3, 4.)
7455-X	DOT-E 7455	do	49 CFR 176,177(g), 176.177(h), 176.177(n), 176.177(q), 176.177(r), 176.410(e).	To authorize handling and stowage of explosive material in an anchored and unmanned barge. (Modes 3, 4.)
7586-X	DOT-E 7586	Rockwell International Corp., Downey, CA	49 CFR 173.88(e)(2)(ii), 173.92	To authorize transport of rocket motors in a propulsive state and in packaging not prescribed in the regulations. (Modes 1,4.)
7607-X	DOT-E 7607	Engineering-Science, Fairfax, VA	49 CFR 172.101, 175.3	To authorize shipment of hydrogen in certain non-DOT specification seamless stainless steel cylinders. (Modes 4, 5.)
7731-X	DOT-E 7731	Minnesota Valley Engineering, Inc., New Prague, MN.	49 CFR 172.101, 173.315(a)(1)	To authorize manufacture, marking and sale of non-DOT specification super-insulated portable tanks, for shipment of pressurized liquid helium. (Modes 1, 3, 4.)
7822-X	DOT-E 7822	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.318(a)	To make certain proper shipping name, retest, reporting, and travel time changes inconsance with Docket HM-115 rulemaking. (Modes 1, 3.)
7933-X	DOT-E 7933	Greif Brothers Corp., Springfield, NJ	49 CFR 173.119(a)(b), 173.124, 173.245(a)(26), 173.249(a)(1), 173.250a(a)(1), 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.266(b)(8), 173.272(i)(9), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 173.364, 178.19.	To authorize manufacture, marking and sale of non-DOT specification reusable, blow-molded, polyethylene containers, for transportation of certain corrosive and flammable liquids and an oxidizer. (Modes 1, 2, 3.)
7948-P	DOT-E 7948	Erickson Inc., Richmond, CA	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To become a party to Exemption 7948. (Modes 1, 4.)
8009-P	DOT-E 8009	Consolidated Petroleum Explorations, Inc., Greenwood, IN.	49 CFR 172.101, 173.301,(d)(2), 173.302(a)(3).	To become a party to Exemption 8009. (Mode 1.)
8288-X	DOT-E 8288	Alaska Explosives Limited, Anchorage, AK.	49 CFR 176,115(a)(2)	To authorize transport of high explosives in a prescribed portable magazine located on deck of a vessel at horizontal distance of less than 25 feet from the crew's quarters. (Modes 3, 4.)
8289-X	DOT-E 8289	Olin Corp., East Alton, IL	49 CFR 173.93	To authorize shipment of certain identified solid propellant explosive, Class B, in non-DOT specification cylindrical metal cans overpacked in fiberboard boxes. (Modes 1, 3.)
8303-X	DOT-E 8303	Sodyeco, Inc., Charlotte, NC	49 CFR 172.101, 173.154,. 173.326	To authorize transport of water-wet 2,4 dinitrophenol as flammable solid in DOT Specification 56 aluminum portable tanks. (Mode 1.)
8352-X	DOT-E 8352	Degussa Corp., Teterboro, NJ	49 CFR 173.154	To authorize shipment of ammonium persulfate and sodium persulfate in non-DOT specification plastic bags similar to DOT specification 44P bags. (Modes 1, 2, 3.)
8362-X	DOT-E 8362	Altus Corp., San Jose, CA	49 CFR 172.101, 173.206, 173.247	To authorize shipment of batteries containing lithium metal and thionyl chloride in DOT specification 12B fiberboard boxes overpacked in DOT Specification 19B wooden boxes. (Mode 1.)
8363-X	DOT-E 8363	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.93(a)	To authorize shipment of certain solid propellant explosives in metal cannisters overpacked in DOT Specification 12H 65 fiberboard boxes. (Modes 1, 3.)
8389-X	DOT-E 8389	Container Corporation of America, Wilmington, DE.	49 CFR 173.119, 173.346, Part 173, Subpart F.	To authorize use of a 15-gallon capacity DOT Specification 34 polyethylene container, for transportation of certain poison B liquids. (Modes 1, 2, 3.)
8556-X	DOT-E 8556	L'Air Liquid Corp., Paris, France	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification containerized portable tanks, for transportation of a flammable and nonflammable gas. (Modes 1, 3.)
8556-X	DOT-E 8556	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 172.101, 173.315(a)	To renew, to make certain proper shipping name, retest, reporting and travel time changes in consonance with Docket HM-115 rulemaking. (Modes 1, 3.)
8556-X	DOT-E 8556	L'Air Liquide Corp., Paris, France	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification containerized portable tanks, for transportation of a flammable and nonflammable gas. (Modes 1, 3.)
8732-X	DOT-E 8732	Chemcentral Inc., Chicago, IL	49 CFR 173.245	To authorize use of a DOT Specification MC-303 and MC-306 cargo tanks, made of aluminum or steel for transportation of a corrosive material. (Mode 1.)
8761-X	DOT-E 8761	The Heil Co., Milwaukee, WI	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 except for bottom outlet valve variations for transport of liquid and semi-solid waste materials. (Mode 1.)
8780-X	DOT-E 8760	Container Corporation of America, Wilmington, DE.	49 CFR 178.19, Part 173, Subpart F	To authorize manufacture, marking and sale of non-DOT specification reusable, blowmolded, polyethylene containers, for transportation of certain corrosive liquids and an oxidizer. (Modes 1, 2, 3.)
8786-X	DOT-E 8786	Gas Spring Corp., Colmar, PA	49 CFR 173.306(f)(2) (iii), 173.306(f)(3), 175.3.	To authorize shipment of limited quantities of compressed gases, in accumulators which deviate from the required retest parameters. (Modes 1, 2, 3, 4, 5.)
8837-X	DOT-E 8837	Fabricated Metals, Inc., San Leandro, CA	49 CFR 173.245(a)(38), 173.256(b)(1), 173.263(a)(8), 173.277(c).	To authorize manufacture, marking and sale of non-DOT specification steel jacketed polyethylene tanks, for transportation of certain corrosive liquids.(Modes 1, 2, 3.)
8970-X	DOT-E 8970	Williams Strategic Metals, Inc.,Wheat Ridge, CO.	49 CFR 173.366	To authorize shipment of arsenical dust, in a non-DOT specification cylindrical steel container. (Modes 1, 2.)
8987-X	DOT-E 8987	Hedwin Corp., Baltimore, MD	49 CFR 178.35a-1	To authorize manufacture, marking and sale of DOT Specification 2SL inside polyethylene containers of Type III, high density, high molecular weight resin, for transportation of those commodities presently authorized to be packaged in a DOT Specification 2SL inside polyethylene container. (Modes 1, 2, 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8988–P	DOT–E 8988	Goex, Inc., Cleburne, TX	49 CFR 172.101, 173.110, 173.80	To become a party to Exemption 8988. (Modes 1, 3.)
9138–X	DOT–E 9138	National Aeronautics and Space Adiministration, Washington, DC.	49 CFR 173.302(a), 173.34(d), 175.3	To authorize highway as an additional mode of transportation. (Mode 4.)
9169–P	DOT–E 9169	Hugo Neu & Sons, Inc., New York, NY	49 CFR 173.154	To become a party to Exemption 9169. (Modes 1, 3.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9015–N	DOT–E 9015	Monsanto Co., Saint Louis, MO	49 CFR 173.17	To authorize shipment of dry trichloro-s-triazinetrione containing 90 percent available chlorine in collapsible, polyethylene-lined, woven polypropylene bags having a capacity of not more than 2000 pounds each. (Modes 1, 2, 3.)
9133–N	DOT–E 9133	American Cyanamid Co., Wayne, NJ	49 CFR 173.377(a)	To authorize shipment of a formulated dry organophosphorus pesticide in a DOT Specificaiton 56 metal portable tank. (Mode 1.)
9172–N	DOT–E 9172	CECOS International Buffalo, NY	49 CFR 173.245b, 173.365	To authorize manufacture, marking and sale of non-DOT specification nonreusable fiberboard bulk box of triple-wall corrugated fiberboard, for shipment of various corrosive and poison B Solids. (Mode 1.)
9184–N	DOT–E 9184	Cyanamid Canada Inc., East Willowdale, Canada.	49 CFR 173.178	To authorize shipment of calcium carbide in polyethylene lined woven polypropylene collapsible bags in truckload or cartoad lots only. (Modes 1, 2.)
9232–N	DOT–E 9232	U.S. Department of Defense, Washington, DC.	49 CFR Part 107, Subpart B, Parts 172 and 175'.	To authorize shipment of explosives and other hazardous materials forbidden or in quantities greater than those prescribed by commercial air carriers activated under the Civil Reserve Air Fleet during a contingency airlift or national emergency. (Modes 4, 5.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 4717–P	DOT–E 4717	Chemplex Co., Rolling Meadows, IL	49 CFR 172.101, 173.314(c)	To become a party to Exemption 4717. (Mode 2.)
EE 9169–P	DOT–E 9169	Isaac Cohen And Son, Inc., Ontario CA	49 CFR 173.154	To become a party to Exemption 9169. (Modes 1, 3.)
EE 9246–N	DOT–E 9246	Fresno County Department of Health, Fresno, CA.	49 CFR 173.328	To authorize transport of an unidentified material handled as a poison gas, in one metal cylinder overpacked in a DOT Specification 15A wooden box, placed in the center of a DOT Specification 17C, 55 gallon drum. (Mode 1.)
EE 9247–N	DOT–E 9247	Gearhart Industries, Inc., Fort Worth, TX	49 CFR 172.101, 175.320(a)	To authorize transport of class A explosives with class C explosives and inert material on cargo aircraft only. (Mode 5.)

WITHDRAWAL

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5372–X	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.301(d), 173.302(a)(3), 173.304(a)(2).	To authorize shipment of nonflammable and flammable gases in non-DOT specification cylinders complying with DOT Specification 3T, with certain exceptions (Modes 1, 3, 4.)
9076–N	U.S. Department of Energy, Washington, DC	49 CFR 173.392(d)(2)(ii)	To authorize shipment of uranyl nitrate at concentrations not to exceed 32 percent LSA, in DOT Specification MC–311 and 312 cargo tanks. (Mode 1.)
9196–N	United Technologies, San Jose, CA	49 CFR 173.86(b), 173.92(a), 173.92(b)	To authorize shipment of a rocket motor, Class B explosive, with integral igniter and gas generators, overpacked in a metal container. (Modes 1, 3.)

DENIALS

7638–X Request by Kelsey Welding Supply, Kenosha, WI to authorize manufacture, marking and sale of DOT Specification 4L cylinders for transportation of certain nonflammable compressed gases denied April 2, 1984.

7952–P Request by White Chemical Corporation, Newark, NJ to authorize shipment of phosphorus tribromide in non-DOT specification leadlined drums denied April 16, 1984.

9073–N Request by Natico, Inc., Chicago, IL to reconsider denial of their request for reuse and reconditioning of the drums authorized under DOT–E 9073 based on comparable performance with the DOT–17E drum when subjected to specific test criteria denied April 13, 1984.

9152–N Request by Halliburton Services, Inc., Duncan, OK to authorize shipment of densometers containing small amounts of radioactive materials, without the radioactive yellow II label denied April 16, 1984.

Issued in Washington, DC, on May 16, 1984.

J. R. Grothe,

Chief Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84–14141 Filed 5–29–84; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series—No. 16-84]

Treasury Notes of August 15, 1989; Series J-1989

Washington, May 23, 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 $6,250,000,000 of United States securities, designated Treasury Notes of August 15, 1989, Series J-1989 (CUSIP No. 912827 QW 5). 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 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 June 1, 1984, and will bear interest from that date, payable on a semiannual basis on February 15, 1985, and each subsequent 6 months on August 15 and February 15 until the principal becomes payable. They will mature August 15, 1989, 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.

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, Wednesday, May 30, 1984. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, May 29, 1984, and received no later than Friday, June 1, 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 $1,000,000.

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 98.750. 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 Friday, June 1, 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 to the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, May 30, 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 Friday, June 1, 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 diference 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 idenifying number)." Specific instructions for the issuance and delivery or 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. 84-14394 Filed 5-29-84; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension, a reinstatement, and revisions 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 forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 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, D.C. 20503, (202) 395-6880.

DATES: Comments on the information collections should be directed to the OMB Desk Officer on or before July 30, 1984.

Dated: May 24, 1984.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extension

1. Department of Medicine and Surgery.
2. Volunteer Application Form.
3. VA Form 10-7055.
4. Reporting Requirement.
5. Individuals or households.
6. 30,000 responses.
7. 7,500 hours.
8. Not applicable.

* * * * *

Revisions

1. Department of Medicine and Surgery.
2. Application for Medical Benefits.
3. VA Form 10-10.
4. On occasion.
5. Individuals or households.
6. 1,800,000 responses.
7. 298,800 hours.
8. Not applicable.

* * * * *

1. Department of Medicine and Surgery.
2. Reapplication for Medical Benefits.
3. VA Form 10-10r.
4. On occasion.
5. Individuals or households.
6. 630,000 responses.
7. 50,400 hours.

8. Not applicable.

* * * * *

[FR Doc. 84-14380 Filed 5-29-84; 8:45 am]
BILLING CODE 8320-01-M

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.

ADDRESS: 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 on or before July 30, 1984.

Dated: May 22, 1984.
By direction of the Administrator.

Dominick Onorato,
Associate Deputy Administrator for Information Resources Management.

Extension

1. Department of Veterans Benefits.
2. Statement of Disappearance.
3. VA Form 21-1775.
4. On occasion.
5. Individuals or households.
6. 2,000 responses.
7. 5,500 hours.
8. Not applicable.

[FR Doc. 84-14381 Filed 5-29-84; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 105
Wednesday, May 30, 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

CIVIL AERONAUTICS BOARD

[M-405; 5/24/84]

TIME AND DATE: 1:30 p.m., May 31, 1984.

PLACE: Room 1012 (Closed), Room 1027 (Open), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Docket 41431, The smoking rule. (OGC, OCCCA)
3. Docket 41797, Exemption from section 404(b) for intra-Hawaii and intra-Alaska cargo carriers and for U.S. and foreign indirect cargo air carriers. (Memo 2084-A, OGC, BDA, BIA)
4. Docket 34030, Employment discrimination against the handicapped. (Memo 2355, OGC, OCCCA, BDA)
5. Docket 41244, *First American Bank of Virginia Enforcement Proceeding*, Memorandum of Issues and Request for Instructions. (OGC)
6. Docket 42165, Application of British American Air, Inc. for an Exemption. (Memo 2356, OGC)
7. Dockets 41306, 40994, and 40995, *Unicorn Air, Ltd. Fitness Investigation, Applications of Unicorn Air, Ltd.* (Memo 1712-B, OGC)
8. Docket 40789, Application of Four Seas Airlines, Inc. for an amendment to its certificate of public convenience and necessity. (Memo 2341, BDA)
9. Commuter carrier fitness determination of JIB, Inc. d.b.a. Action Airlines. (Memo 2345, BDA)
10. Docket 41947, Application of Air North America, Inc. for a two-year fitness review. (Memo 2349, BDA, OGC)
11. Docket , Institution of a continuing fitness investigation of Air Niagara, Inc. under section 401(r). (BDA)
12. Docket 40205, Simmons Airlines, Inc., application for compensation for losses at Manitowoc, Wisconsin. (Memo 948-D, BDA, OCCCA, BCAA, OC)
13. Dockets 41368, EAS-343 and EAS-344, Carrier selection case for Harrison and Jonesboro, Arkansas. (Memo 1997-B, BDA, OCCCA, OC)
14. Dockets 38503 and 38504, Essential air service for Clinton and Ottumwa, Iowa. (Memo 473-G, BDA, OCCA, OC)
15. Dockets EAS-491, 496 and 578, Essential air service determinations for Columbus and Norfolk, Nebraska, and Yankton, South Dakota. (BDA, OCCCA)
16. Dockets 40808 and 41079, Republic Airlines' and Horizon Airlines' notices to suspend service at Klamath Falls, Oregon. (BDA, OCCCA, OC)
17. Docket 42090, Application of MR. FARHAD AZIMA and MR. JOHN CATSIMATIDIS for an emergency exemption. (Memo 2342, BDA, OGC)
18. Docket 37576, Petition of Eastern Airlines for Reconsideration of Order 82-12-46. (Memo 1589-A, BIA, OGC)
19. Docket 40960, Agreement C.A.B. 29245, Intercarrier fare agreement on U.S.-France fares. (Memo 1511-S, BIA)
20. Docket 38623, Agreement C.A.B. 29239, IATA agreement revalidating the fare structure in certain North/Central Pacific markets through June 14, 1984. (Memo 2344, BIA)
. Docket 38623, Agreement C.A.B. 29247, IATA agreement proposing modifications to the Australia-South East Asis (which includes Guam) fare structure, (Memo 2353, BIA)
22. Docket 35634, Agreements C.A.B. 29215, 29219, and 29223, IATA agreements proposing (a) a revised worldwide system of specifying cargo rates in local currencies and U.S. dollars, and (b) revised minimum cargo charges in various international markets. (Memo 2346, BIA)
23. Report on Brazil. (BIA)
24. Report on the United Kingdom (Antitrust). (BIA)
25. Report on Canada. (BIA)
26. Negotiations with Jamaica. (BIA)
27. Negotiations with Thailand. (BIA)
28. Negotiations with Korea. (BIA)
29. Discussion on Israel. (BIA)
30. Discussion on Peru. (BIA)

STATUS: 1-22 Open, 23-30 Closed.

PERSON TO CONTACT: Plyllis T. Kaylor, The Secretary, (202) 673-5068.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-14522 Filed 5-25-84; 8:45 am]
BILLING CODE 6320-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:33 p.m. on Thursday, May 24, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in First National Bank of Prior Lake, Prior Lake, Minnesota, which was closed by the Senior Deputy Comptroller for National Operations, Office of the Comptroller of the Currency, on Thursday, May 24, 1984; (2) accept the bid for the transaction submitted by The First National Bank of Shakopee, Shakopee, Minnesota; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Mr. Michael A. Mancusi, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: May 25, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 84-14544 Filed 5-25-84; 4:03 pm]
BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 4, 1984, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Investors Finance, Inc., an operating noninsured industrial bank located at 50 South Beretania Street, #C117B, Honolulu, Hawaii.

Application for consent to merge and establish four branches:

South Norwalk Savings Bank, South Norwalk, Connecticut, an insured mutual savings bank, for consent to merge, under its charter and with the title "Gateway Bank," with Citizens Savings Bank of Stamford, Connecticut, Stamford, Connecticut, and for consent to establish the four offices of Citizens Savings Bank of Stamford, Connecticut as branches of the resultant bank.

Application for consent to purchase assets and assume liabilities and establish one branch:

First Fidelity Bank, Burke, South Dakota, an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in the Gregory Branch, Gregory, South Dakota, of United National Bank, Sioux Falls, South Dakota, and for consent to establish that office as a branch of First Fidelity Bank.

Application for consent to change the general character of the bank's business from that of a mutual savings bank to that of a commercial bank pursuant to Part 333 of the Corporation's rules and regulations:

The Workers Mutual Savings Bank, Superior, Wisconsin.

Request for an exemption pursuant to section 348.4(b)(1) of the Corporation's rules and regulations:

Independence Bank of Chicago, Chicago, Illinois.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,955–L (Amended)—Franklin National Bank, New York, New York
Case No. 46,051–L—Franklin National Bank, New York, New York
Case No. 46,059–L—United Bank of Oregon, Milwaukie, Oregon
Case No. 46,064–NR—United States National Bank, San Diego, California
Memorandum and Resolution re: Penn Square Bank, National Association, Oklahoma City, Oklahoma
Memorandum and Resolution re: Brownfield State Bank & Trust Co., Brownfield, Texas
Memorandum and Resolution re: The First National Bank of Midland, Midland, Texas
Memorandum re: Authority to Relocate Dallas Regional Office.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.
Reports of the Division of Bank Supervision with respect to appications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda: No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: May 25, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–14545 Filed 5–25–84; 4:03 pm]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, June 4, 1984, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance:

Finance Factors, Ltd., an operating noninsured industrial bank located at 195 S. King Street, Honolulu, Hawaii.

Application for Federal deposit insurance for a United States branch of a foreign bank:

Banco Espanol de Credito, S.A., Madrid, Spain, for Federal deposit insurance of deposits received at and recorded for the accounts of its United States branch located at 630 Fifth Avenue, 5th Floor, New York, New York

Applications for Federal deposit insurance and for consent to purchase assets and assume liabilities and establish three branches:

Rushmore State Bank, Rapid City, South Dakota, a proposed new bank, for Federal deposit insurance, for consent to purchase the assets of and assume the liability to pay deposits made in three Rapid City, South Dakota, and one Hill City, South Dakota offices of United National Bank, Sioux Falls, South Dakota, and for consent to establish three of those four offices as branches, with the 14 St. Joseph Street, Rapid City, South Dakota office to become the main office of Rushmore State Bank.

Application for consent to convert into a non-FDIC-insured institution:

USBank, St. Petersburg, Florida.

Recommendations regarding the Corporation's assistance agreements with insured banks pursuant to section 13 of the Federal Deposit Insurance Act.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: May 25, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-14546 Filed 5-25-84; 4:03 pm]

BILLING CODE 6714-01-M

5

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, June 4, 1984.

Board of Governors

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed budget for renovation projects at the Federal Reserve Bank of Kansas City.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: May 25, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-14520 Filed 5-25-84; 3:52 pm]

BILLING CODE 6210-01-M

6

INTERNATIONAL TRADE COMMISSION

[USITC SE-84-24]

TIME AND DATE: 2:30 p.m., Monday, June 4, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731-TA-189 [Preliminary] (Calcium Hypochlorite from Japan)—briefing and vote.
6. Any items left over form previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-14518 Filed 5-25-84; 3:24 pm]

BILLING CODE 7020-02-M

7

INTERNATIONAL TRADE COMMISSION

[USITC SE-84-25]

TIME AND DATE: 10:00 a.m., Wednesday, June 6, 1984.

PLACE: Room 331 (Hearing Room), 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: 1. Investigation TA-201-50 (Nonrubber Footwear)—briefing and vote on injury.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-14519 Filed 5-25-84; 3:42 pm]

BILLING CODE 7020-02-M

8

MERIT SYSTEMS PROTECTION BOARD

TIME AND DATE: 2:00 p.m., Tuesday, June 5, 1984.

PLACE: Eighth Floor, 1120 Vermont Avenue, NW., Washington, D.C. 20419.

MATTERS TO BE CONSIDERED:

1. *Susan D. Post* v. *Office of Personnel Management,* MSPB Docket No. DC300A8010166.
2. *Kenton R. Champion* v. *Tennessee Valley Authority,* MSPB Docket No. AT07528211034.
3. *James J. Dowd, Jr., et al.* v. *Department of Energy,* MSPB Docket No. BN03518210229.
4. *Otto Nielson* v. *Federal Highway Administration,* MSPB Docket No. PH03518310107.
5. *Dennis D. Horton* v. *Department of Transportation,* MSPB Docket No. SF07528210607.
6. *Angelos Sakellarios* v. *Department of Housing and Urban Development,* MSPB Docket No. BN07528210183.
7. *David Stith* v. *Department of Housing and Urban Development,* MSPB Docket No. DC07528310194.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Robert E. Taylor, Secretary, (202) 653-7200.

For the board.

Dated: May 25, 1984, Washington, D.C.

Robert E. Taylor,

Secretary.

[FR Doc. 84-14514 Filed 5-25-84; 3:27 pm]

BILLING CODE 7400-01-M

9

POSTAL SERVICE BOARD OF GOVERNORS

Notice of a Meeting.

The Board of Govenors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 1:00 p.m. on Monday, June 4, 1984, in San Francisco, California, and at 8:00 a.m. on Tuesday, June 5, in Room 332, Post Office Building, 1300 Evans Avenue, San Francisco, California. As indicated in the following paragraph, the June 4 meeting is closed to public observation. The June 5, meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, David F. Harris, at (202) 245-3734.

At its meeting on May 7, 1984, the Board voted in accordance with the provisions of the Government in the Sunshine Act to close to public observation its meeting scheduled for June 4. (See 49 FR 20405, May 14, 1984.) The agenda items of the meeting to be closed concern: (1) Strategic planning in connection with collective bargaining negotiations involving parties to the 1981 National Agreements, between the Postal Service and four labor organizations representing certain postal employees, which are scheduled to expire in July 1984; and (2) discussion on financing area of emphasis in the strategic business plan.

Agenda

Monday Session, June 4 (Closed)

1. Strategic Planning—Collective Bargaining.
2. Discussion on Financing Area of Emphasis in the Strategic Business Plan.

Tuesday Session, June 5 (Open)

1. Minutes of the Previous Meeting, May 7-8, 1984.
2. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the Members of miccellaneous current developments concerning the Postal Service. Nothing that requres a decision by the Board is brought up under this item.)
3. Report of the Chief Postal Inspector. (Mr. Fletcher, Chief Postal Inspector, will provide a report on the Inspection Service.)
4. Report on Consumer Protection under Pub. L. 98-186. (Mr. Flecther will review the semi-annual report on consumer protection distributed to the Board in advance of the meeting in accordance with section 3013, title 39, United States Code.)
5. Capital Investment:

—San Bernardino, CA (General Mail Facility/Vehicle Maintenance Facility). (Mr. Caraveo, Regional Postmaster General, Western Region, will present the proposal for the new GMF/VMF in San Bernardino, CA.)

6. Consideration of tentative agenda for the July 9-10, 1984, meeting of the Board in Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 84-14482 Filed 5-25-84; 10:57 am]

BILLING CODE 7710-12-M

federal register

Wednesday
May 30, 1984

Part II

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for New Stationary Sources Equipment Leaks of VOC, Petroleum Refineries and Synthetic Organic Chemical Manufacturing Industry; Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2509-5]

Standards of Performance for New Stationary Sources Equipment Leaks of VOC Petroleum Refineries and Synthetic Organic Chemical Manufacturing Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action promulgates standards of performance for equipment leaks of volatile organic compounds (VOC) in the petroleum refining industry. The standards were proposed in the **Federal Register** on January 4, 1983 (48 FR 279). This action also promulgates minor amendments to standards for equipment leaks of VOC within the synthetic organic chemical manufacturing industry (SOCMI). The promulgated standards implement section 111 of the Clean Air Act and are based on the Administrator's determination that fugitive emissions of VOC from the petroleum refining industry cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The intended effect of the standards is to require all newly constructed, modified, and reconstructed refining facilities in the petroleum refinery industry to reduce emissions to the level achieved by the best demonstrated system of continuous emission reduction for equipment leaks of VOC, considering costs, nonair quality health and environmental impact and energy requirements.

EFFECTIVE DATES: May 30, 1984. These standards of performance become effective upon promulgation but apply to affected facilities for which construction or modification commenced after January 4, 1983.

Under section 307(b)(1) of the Clean Air Act, judicial review of these standards of performance is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

The Director of the Federal Register approves the incorporation by reference of certain publications in 40 CFR Part 60 effective on May 30, 1984.

ADDRESSES: *Background Information Documents.* The background information document (BID) for the promulgated standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Equipment Leaks of VOC in Petroleum Refining Industry—Background Information for Promulgated Standards of Performance" (EPA-450/3-80-033b). The BID contains: (1) A summary of all the public comments made on the proposed standards and EPA's responses to the comments, (2) a summary of the changes made to the standards since proposal, (3) final Environmental Impact Statement which summarizes the impacts of the promulgated standards, and (4) the rationale for the technical amendments to the standards for equipment leaks of VOC within SOCMI. The BID for the proposed standards may be obtained from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161. Please refer to "VOC Fugitive Emissions in Petroleum Refining Industry—Background Information for Proposed Standards," EPA-450/3-81-015a (NTIS PB81-157743)

Docket. A docket, number A-80-44, containing information considered by EPA in the development of the promulgated standards for petroleum refineries, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, 401 M Street, S.W. Washington, D.C. 20460. A reasonable fee may be charged for copying.

A docket, number A-79-32, containing information in category VI on the development of the technical amendments to the SOCMI standards, is available for public inspection at the same time and place as for docket A-80-44.

FOR FURTHER INFORMATION CONTACT:

Mr. Gilbert Wood, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5578 concerning policy matters and Mr. James Durham, Chemicals and Petroleum Branch, telephone (919) 541-5671 concerning technical matters.

SUPPLEMENTARY INFORMATION:

Summary of Standards

Standards of performance for new sources established under section 111 of the Clean Air Act reflect:

> * * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated [section 111(a)(1)].

As prescribed by section 111, promulgation of these standards was preceded by the the Administrator's determination (40 CFR 60.16, 44 FR 49222, dated August 21, 1979) that these sources contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare.

Standards of performance for equipment leaks of volatile organic compounds (VOC) in the petroleum refining industry were proposed on January 4, 1983 (48 FR 279).[1] The promulgated standards apply to specific equipment with the potential to leak VOC. Two types of "affected facilities" apply to the equipment for determining applicability of the standards. Each refinery compressor in VOC service is one type of affected facility. The second type of affected facility comprises certain equipment with the potential to leak VOC, other than compressors, within a refinery process unit. A process unit is defined as all the components assembled to perform any of the physical and chemical operations within a petroleum refinery.

Compressors, valves, pumps, pressure relief devices, sampling systems, flanges and connectors, and open-ended lines in VOC service (that is, contains or contacts a process fluid that is at least 10 percent VOC by weight) are the equipment covered by the standards. The standards require (1) a leak detection and repair program for valves in gas/vapor and light liquid service and pumps in light liquid service; (2) equipment for certain compressors, sampling systems, and open-ended lines; and (3) no detectable emissions (500 ppm as determined by Reference Method 21) for pressure relief devices in gas/vapor service during normal operation. In response to comments on

[1] The proposed standards referred to fugitive emission sources of VOC as the air pollution emission points covered by the standards. The terminology fugitive emission sources can be confusing. The proposed and final standards apply to equipment with the potential to leak VOC and, therefore, the promulgated standards refer to equipment leaks to VOC as the air pollution emission points covered by the standards.

the proposed standards, EPA is exempting valves and pumps within process units located in the North Slope of Alaska from the routine leak detection and repair program and is allowing up to 3 percent of the valves in new process units to be designated as difficult-to-monitor valves. In addition, EPA is providing an alternative procedure for determining "capital expenditure" and is adding requirements for semiannual reports.

Owners and operators of facilities covered by these standards should note that some of the releases covered by these standards might be covered by requirements developed under the Comprehensive Environmental Response, Compensation, and Liability Act. (See 48 FR 23552.)

Standards for Valves. The standards for valves have not changed since proposal and are based on a leak detection and repair program that requires: (1) Monthly monitoring of valves in gas/vapor and light liquid service except that valves not found to leak for two successive months can be monitored quarterly until leaks are detected, (2) an initial attempt at repairing these valves within 5 days after detection of a leak, (3) repair of leaking valves within 15 days after detection of the leak unless repair would require a process unit shutdown, and (4) repair of valves during the next process unit shutdown if repair is delayed until a process unit shutdown. Monitoring of equipment to detect leaks is conducted in accordance with Reference Method 21 and a leak is defined as a measured organic concentration equal to or greater than 10,000 parts per million by volume (ppmv). Repair means to reduce the measured organic concentration to less than 10,000 ppmv.

Two alternative standards have been provided for valves in gas/vapor and light liquid service in the final standards. These alternatives are (1) a limit of 2.0 percent of valves which may be leaking at any one time and (2) a skip-period leak detection and repair program for process units achieving less than 2.0 percent of their valves leaking. These alternative standards establish standards for owners and operators who design and operate low-leak process units.

Standards for Pumps. The standards for pumps have not changed since proposal and require leak detection and repair of the pump seals or the use of dual mechanical seals with controlled degassing vents. The leak detection and repair program requires: (1) Monthly monitoring of pumps in light liquid service, (2) weekly visual inspections of the seals in pumps in light liquid service, (3) an attempt at repairing a pump within 5 days after detection of a leak, and (4) repair of a leaking pump within 15 days after detection of a seal failure or leak unless repair would require a process unit shutdown. Pumps that have repair delayed until a process unit shutdown must be repaired during the next process unit shutdown. If a pump cannot be repaired without the use of dual mechanical seals with controlled degassing vents or other equipment, a delay of repair is allowed to install the equipment. In this case, an owner or operator must install the equipment as soon as practicable but may take no longer than 6 months. Pumps using dual mechanical seals with controlled degassing vents and other equipment as specified in the standards are not subject to the monthly leak detection and repair program.

Standards for Compressors. The standards have generally not changed since proposal and require compressors to be equipped with seals having a barrier fluid system that prevents leakage of the process fluid to the atmosphere. The system must: (1) Use a barrier fluid that is something other than a light liquid or gaseous VOC; (2) either operate at a pressure greater than the compressor seal area pressure, or be equipped with a barrier fluid degassing reservoir connected by a closed vent system to a control device; and (3) be equipped with a sensor so that seal failures may be detected. When seal failure is detected, repair is required within 15 days unless repair would require a process unit shutdown. An initial attempt at repair is required within 5 days. If a compressor is equipped with a closed vent system to transport leakage from the seal to a control device, it is exempt from the above requirements.

Compressors in hydrogen service have been exempted from the final standards based on an analysis of cost effectiveness for these compressors. "In hydrogen service" means that a compressor contains a process fluid that is greater than 50 percent hydrogen by volume, as determined by ASTM Methods E–260, E–168, or E–169. Also, EPA is exempting existing reciprocating compressors that could become an affected facility under provisions of Section 60.14 or 60.15 from the standards if the owner or operator demonstrates that recasting the distance piece or replacing the compressor are the only options available to bring the compressor into compliance with the standards.

Standards for Sampling Connections. The standards require that VOC purged from sampling connections be recycled to the process by a closed sampling loop or that these VOC be collected in a closed collection system for recycle or disposal without VOC emissions to atmosphere. In-situ sampling systems are exempt from these requirements. These standards have not changed since proposal.

Standards for Open-Ended Lines. The standards require that: (1) Open-ended lines be sealed with a second valve, cap, blind flange or plug except when the open-ended lines are in use; and (2) if a second valve is used, the valve on the process side must be closed first to avoid trapping VOC between the valves. The only change made to these standards since proposal clarifies that open-ended lines in double block and bleed valve systems may be unsealed when they are functioning as the vent for these systems.

Standards for Pressure Relief Device. The standards require that: (1) Pressure relief devices have "no detectable emissions" of VOC except in cases of overpressure relief; and (2) after each overpressure relief, pressure relief devices be returned to a state of no detectable emissions within 5 days. These standards have not changed since proposal. As noted in the preamble to the proposed standards, pressure relief devices are one of the few fugitive emission sources for which a performance standard can be established. There are a variety of alternative ways of complying with this standard. "No detectable emissions" of VOC, in this case, means 500 ppm or less above the background level as measured by Reference Method 21.

Standards for Control Devices. The standards include requirements for control devices used in conjunction with control of equipment leaks. In general, these requirements have not changed since proposal. The standards require: (1) That vapor recovery systems be designed and operated for at least 95 percent control, and (2) that enclosed combustion devices be designed and operated to provide a minimum residence time of 0.75 seconds at a minimum temperature of 816°C or to achieve 95 percent reduction. Flares used to comply with these standards must (a) be operated with no assist or with air or steam assist, (b) be designed and operated with no visible emissions except for periods of time not to exceed 5 minutes in any 2-hour period, (c) be operated with a flame present, and (d) meet other operational requirements including maximum exit gas velocities and minimum heat content values. Some specific requirements for flares have been added since proposal. The

standards for closed vent systems and control devices ensure the use of devices that have an efficiency better than 95 percent, including steam-assisted and nonassisted flares designed for and operated with an exit velocity of less than 18 m/sec. EPA has been studying the question of whether additional types of flares will also achieve better than 95 percent efficiency; if so, the Agency will revise the standards accordingly.

Miscellaneous Provisions. Flanges, pressure relief devices in liquid service, equipment operating at subatmospheric pressures, and all equipment components in "heavy liquid" VOC service are excluded from the routine monitoring requirements of the standards. Even though the standards do not require monitoring these equipment for leaks, the standards require that, if indications of VOC leaks are visually or otherwise detected from these equipment, they must be monitored using Method 21 to detect leaks. If a leak is detected, it must be repaired within 15 days. This provision improves current industry housekeeping practices for these pieces of equipment.

Under section 111(h)(3), any person may request the Administrator to permit the use of an alternative means of emission limitation instead of a design, equipment, work practice or operational standard. The Administrator will permit the use of such alternative means if the Administrator determines, after notice and opportunity for a public hearing, that it will achieve emission reductions at least equivalent to those required by the design, equipment, work practice or operational standards. The permission will take the form of an amendment to the appropriate standards.

The final standards include semiannual reports to enable enforcement agencies to assess compliance with the standards. The semiannual reports provide a summary of the data recorded on leak detection and repair of valves, pumps, and other equipment types. The semiannual reports may be waived for affected facilities in States where the regulatory program has been delegated, if EPA, in the course of delegating such authority, approves reporting requirements or an alternative means of source surveillance adopted by the State. In these cases, such sources would be required to comply with the requirements adopted by the State.

Compliance with the leak detection and repair program and equipment requirements will also be assessed through review of records and inspections. Records of leak detection, repair attempts, and maintenance for equipment leaks of VOC are required by the standards. Notifications are also required as described in the General provisions for new source standards (40 CFR 60.7).

The General Provisions for Part 60 are being revised to include an incorporation by reference in the provisions of 40 CFR 60.17.

Summary of Impacts of the Standards

Emission Reductions. The standards of performance will reduce equipment leaks of VOC from newly constructed, modified, and reconstructed process units and compressors in the petroleum refining industry by about 60 percent in comparison to those emissions that would result in the absence of the standards. The standards will reduce the emissions by about 31,000 Mg, a reduction of emissions from 49,000 Mg/yr to about 18,000 Mg/yr in the fifth year after the standards were proposed. These impacts are based on current industry practices including requirements associated with State implementation plans. The standards will cover about 100 newly constructed refining facilities (process units including compressors) and up to 182 modified and reconstructed refining facilities in the fifth year after proposal.

Cost and Economic Impacts. The cost and economic impacts of the standards are reasonable. The standards will require an industry-wide capital investment over the initial 5-year period after the standards were proposed of approximately $7.2 million for newly constructed refining facilities and up to $17.9 million for modified and reconstructed refining facilities. The industry-wide net annualized cost for newly constructed, modified, and reconstructed refining facilities would be about $4.1 million in the fifth year after proposal. Significant price increases are not expected to result from these standards because the standards will tend to increase average prices by less than 0.1 percent.

Other Impacts. These standards of performance will not increase the energy usage of petroleum refinery process units. In general, the controls required by the standards do not require energy. Furthermore, the effect of the standards will be to increase efficiency of raw material usage so that a net positive energy impact will result. Implementation of the standards will have no impact on solid waste within the petroleum refining industry. In contrast, the standards would also cause a small positive impact on water quality by containment of potential liquid leaks. The recordkeeping and reporting requirements will require an average of 20 industry person years annually for the years 1984 and 1985.

The environmental, energy, and economic impacts are discussed in greater detail in the BID for the promulgated standards. (See the **ADDRESSES** section of this preamble.)

Public Participation

Prior to proposal of the standards, interested parties were advised by public notice in the **Federal Register** (46 FR 23982, April 29, 1981) of a meeting of the National Air Pollution Control Techniques Advisory Committee to discuss the standards for equipment leaks of VOC in the petroleum refining industry recommended for proposal. This meeting was held on June 3, 1981. The meeting was open to the public, and each attendee was given the opportunity to comment on the standards recommended for proposal. An additional information document (AID), entitled "Fugitive Emission Sources of Organic Compounds—Additional Information on Emissions, Emission Reductions, and Costs," was prepared to address technical issues on fugitive emissions control technology and to set forth EPA's most recent position on these issues. The AID was distributed for public comment, and 14 comment letters were received. The standards were proposed in the **Federal Register** on January 4, 1983 (48 FR 279). The preamble to the proposed standards described the availability of the BID for the proposed standards, which discussed in detail the regulatory alternatives considered and the impacts of these alternatives.

Public comments were solicited at the time of proposal, and copies of the BID were distributed to interested parties. The public was also given the opportunity to discuss data, views, or arguments at a public hearing concerning the proposed standards in accordance with section 307(d)(5) of the Clean Air Act. The public comment period was from January 4, 1983, to March 21, 1983. Twenty-four comment letters were received and, at the request of interested parties, EPA met to clarify specific aspects of the proposed standards. A public hearing, however, was not held. Comments on the proposed standards have been carefully considered and, where determined to be appropriate by the Administrator, changes have been made in the proposed standards.

Significant Comments and Changes to the Proposed Standards

Comments were received from industry, State and local air pollution

control agencies, trade associations, and environmental groups. A detailed discussion of these comments and responses can be found in the BID for the promulgated standards. (See the **ADDRESSES** section of this preamble.) The comments and responses in the BID serve as the basis for the revisions which have been made to the standards between proposal and promulgation. Major changes made in the standards since proposal are indicated in the "Summary of Standards" section of the preamble. The major comments and responses are summarized in the next section of the preamble. The comments and responses in this preamble have been combined into the following areas: Basis for the Standards, Applicability of Standards, Modification and Reconstruction, and Reporting and Recordkeeping.

Basis for the Standards

Comment: Several commenters questioned EPA's selection of the proposed standards. The commenters felt that less stringent levels of control would be more cost effective and, therefore, should be chosen.

Response: Section 111 of the Clean Air Act, as amended, requires that standards of performance be based on the best system of continuous emission reduction that has been adequately demonstrated, considering costs, nonair quality health and environmental impacts and energy requirements. The control techniques for equipment leaks of VOC have been adequately demonstrated. The nonair quality health and evironmental impacts associated with implementation of the standards are generally beneficial.

TABLE 1. CONTROL COSTS PER MEGAGRAM OF VOC REDUCED [a]

Equipment type and control technique [b]	Emission reduction (Mg/yr)	Average $/Mg [c]	Incremental $/Mg [d]
Pressure relief devices:			
Quarterly leak detection and repair	4.4	*(170)	(170)
Monthly leak detection and repair	5.3	(110)	250
Rupture disks [f]	9.8	410	1,000
Compressors:			
Controlled degassing vent [f]	16.5	150	150
Open-ended lines:			
Caps on open-ended lines [f]	2.8	460	460
Sampling systems:			
Closed purge sampling [f]	2.6	810	810
Valves:			
Quarterly leak detection and repair	66	*(110)	*(110)
Monthly leak detection and repair [f]	77	*(60)	310
Sealed bellows valves repair	110	4,700	16,700
Pumps:			
Annual leak detection and repair	3.0	860	860
Quarterly leak detection and repair	9.8	157	*(140)
Monthly leak detection and repair [f]	11.5	158	170
Dual mechanical seal systems vented to a flare	13.9	2,000	10,900

[a] Costs and emission reductions based on fugitive emission source (component) counts in Model Unit B from the BID for the proposed standards, EPA-450/3-81-015a, page 6-3.
[b] Further discussion of control techniques can be found in Chapters 3 and 4 of the BID for the proposed standards and in Section 2 of the BID for the promulgated standards.
[c] Average dollars per megagram (cost effectiveness) = (annualized cost per component) ÷ (annual VOC emission reduction per component).
[d] Incremental dollars per megagram = (Annualized cost of the control technique − net annualized cost of the next less restrictive control technique) ÷ (annual emission reduction of control technique − annual emission reduction of the next less restrictive control technique).
* Values in parentheses denote savings.
[f] Control technique selected as the basis for the standard.

EPA analyzed the annualized cost of controlling VOC emissions and the resultant emission reduction of VOC for each alternative control technique. In response to comments, EPA reviewed these estimates and, consequently, corrected the emission reduction estimates associated with valves. The control cost per megagram of VOC reduced for medium-sized process units are presented in Table 1 for each equipment type covered by the standards. In choosing among the control techniques for each type of equipment covered by the standards, EPA first considered their effectiveness and costs. Then, for the control techniques which were selected as the most effective with reasonable costs, EPA considered the economic impact on the industry of these control techniques. After reviewing the decisions made for the proposed standards, EPA concluded that the proposed standards generally should not be made less stringent on the basis of cost effectiveness. However, for compressors in hydrogen service the cost effectiveness, as explained below, is unreasonable, and the standards have been revised to exclude them from the standards.

One should note that these costs do not represent the actual amounts of money spent at any particular plant site. The cost of VOC emission reduction systems will vary according to the petroleum product being produced, production equipment, plant layout, geographic location, and company preferences and policies. However, these costs are considered typical of most control techniques for equipment within petroleum refineries, reflect relatively high cost control techniques where alternative techniques are available, and can be used in selecting the level of control to be required by the standards.

Pressure Relief Devices. The annualized costs and VOC emission reductions achieved for monthly and quarterly leak detection and repair programs and for the use of control equipment (rupture disks) were determined for pressure relief devices in gas service. As Table 1 shows, both the quarterly and monthly leak detection and repair programs are less expensive than installation of rupture disks. Leak detection and repair programs result in average credits of $170/Mg and $110/Mg of VOC for quarterly and monthly programs, respectively. A monthly leak detection and repair program achieves an additional 0.9 Mg/yr emission reduction for medium-sized process units at an incremental cost of $250/Mg compared to a quarterly leak detection and repair program. Rupture disks achieve an additional 4.5 Mg/yr emission reduction at an incremental cost of $1,000/Mg. However, EPA is establishing a performance standard (as indicated by no detectable emission limit) allowing a variety of alternative ways of complying with the standard. EPA used conservative assumptions in making this incremental cost calculation; the $1,000/Mg incremental cost of achieving this 4.9 Mg/yr of emission reduction is more than what many process units would experience. Thus, a no detectable emission limit was selected as the basis for the pressure relief device standard.

Compressors. Only one control technique can be considered for compressor seals: the installation of control equipment such as barrier fluid systems. If a compressor is found leaking, the repair procedure would be the installation of control equipment. Because compressors are not generally spared, repair would be delayed until the next turnaround, thereby reducing the effectiveness of a leak detection and repair program to essentially zero. The installation of control equipment results in a cost of $150/Mg of VOC. This cost is reasonable and, therefore, control equipment was selected as the basis for the standards for compressors.

EPA is providing an exemption from these equipment requirements for existing reciprocating compressors which become affected facilities through modification or reconstruction provisions of §§ 60.14 and 60.15 provided the owner or operator demonstrates that recasting the distance piece or replacing the compressor are the only options available to bring the compressor into compliance. This exemption is necessary because the cost

impact of installing the required control equipment or replacing the compressor is unreasonable under these conditions. These compressors will be exempt from the standards until they are replaced by new compressors or the distance pieces are replaced.

In response to several commenters' concerns, the costs of controlling valves and compressors in hydrogen service were analyzed. EPA found that significant emission reductions are achieved for valves in hydrogen service at a reasonable cost ($106/Mg of VOC). However, control of compressors in hydrogen service results in a cost effectiveness of $4,600/Mg of VOC. EPA, therefore, decided to exclude compressors in hydrogen service from the standards.

Open-ended Lines and Sampling Systems. EPA considered caps or closures as the control technique for open-ended lines. Caps and closures are used in the petroleum refining industry and are expected to be used even more frequently in the future. The cost and emission reduction presented in Table 1 are the cost and emission reduction which would be realized for an open-ended line that is not controlled. The $460/Mg of VOC cost for controlling emissions of VOC from open-ended lines is reasonable.

EPA considered closed purge sampling as the control technique for sampling systems. Closed purge systems are becoming increasingly common in this industry. The $810/Mg of VOC cost for controlling emissions of VOC from sampling systems is reasonable.

Valves. Several leak detection and repair programs were considered for valves. The costs of seal bellows valves are unreasonable. The leak detection and repair programs differed in the monitoring frequency which would be implemented. As Table 1 shows, the quarterly monitoring program results in savings ($110/Mg of VOC on the average). This occurs because the value of the recovered VOC is greater than the cost to implement the quarterly monitoring program. The monthly monitoring program results in the largest emission reduction at an average credit of $60/Mg of VOC. The incremental cost per Mg of VOC emissions reduced for the monthly program is $310/Mg of VOC (compared to the quarterly program) with an incremental emission reduction of 11 Mg/yr for a medium-sized process unit. EPA considers these costs to be reasonable. Therefore, EPA selected a monthly leak detection and repair program as the basis for the standards for valves.

Pumps. The control costs incurred for each megagram of VOC emissions reduced were determined for three leak detection and repair programs and for the use of dual mechanical seals with controlled degassing vents. The leak detection and repair programs incur lower costs than the costs which would be incurred with equipment installation. The lowest average and incremental costs per MG are associated with a monthly leak detection and repair program. The monthly program achieves a higher degree of control than the quarterly program, but it achieves a lower degree of control than installation of control equipment. However, even though control equipment provides for the greatest amount of VOC reduction, the $10,900/Mg incremental costs to obtain the additional 2.4 Mg/yr are judged to be unreasonably high. Because the costs for equipment are unreasonably high, and the costs for monthly leak detection and repair are reasonable, monthly leak detection and repair was selected as the basis for the standards for pumps.

Economic Impact Considerations. An economic analysis was performed which evaluated the economic impacts of the selected standards. The results of that analysis are presented in detail in the BID for the promulgated standards. As summarized in the Summary of the Impacts of the Standards section of this preamble, the industry-wide net annualized cost will be about $4.1 million in 1986. This cost is not expected to result in industry-wide price increases. These impacts are reasonable.

Applicability of Standards

Comment 1: Commenters questioned the use of the group of fugitive emission sources within a process unit as an "affected facility" stating that the definition is inconsistent with the terms of the Clean Air Act and added that control of fugitive emissions through new source performance standards is unworkable.

Response 1: In choosing the designation of affected facilities, EPA examined fugitive emission sources of VOC in light of the terms and purpose of section 111 of the Clean Air Act. The Clean Air Act mandates the EPA to set standards for any pollutant emitted from a category of new or modified "stationary sources." Section 111(a)(3) of the Act defines the term "stationary source" to mean "any building, structure, facility, or installation which emits or may emit any air pollutant." The fugitive emission equipment pieces in VOC service in a process unit, viewed in the aggregate, are a "facility" that may emit air pollutants and, therefore, are appropriately considered as a "source." [1] Since the purpose of section 111 is to minimize emissions by application of the best demonstrated system of emission reduction at new and modified sources (considering cost, non-air quality health and environmental impacts, and energy requirements), there is a presumption that the narrowest designation (i.e., individual pieces of equipment) is proper. However, EPA, for the reasons discussed at proposal (48 FR 281–282), rejected the equipment component (individual fugitive emission sources or pieces of equipment) designation for fugitive emission. Consequently, the next most narrow definition, the group of fugitive equipment components in VOC service within a process unit, was considered. Review of the relevant statutory factors did not lead to the conclusion that designating each group of equipment components in a process unit as an affected facility would result in adverse impacts.

Some commenters suggested that EPA cannot select the "equipment" in VOC service as the affected facility because that equipment is not an apparatus to which the standards apply, under the definition of "affected facility" at 40 CFR 60.2. On the contrary, since the requirements in these standards apply only to the "equipment" in VOC service, the § 60.2 definition *requires* EPA to limit the affected facility to that equipment.[2] Moreover, for the reasons

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1 This agrees with the dictionary definition of "facility," meaning "something designed, built, installed, etc., to serve a specific function or performed a particular service" (The Random House College Dictionary, Revised Edition, 1975). The group of equipment in VOC service covered by these standards is designed and installed to serve the specific function of handling the processing of petroleum products into intermediate or more refined materials.

Note in this regard that the Court of Appeals for the District of Columbia Circuit has stated that:

In designating what will constitute a facility in each particular industrial context, EPA is guided by a reasoned application of the terms of the statute it is charged to enforce, not by an abstract "dictionary" definition. This court would not remove this appropriate exercise of the agency's discretion.

ASARCO v. EPA 578 F.2d 319, 324 n. 17 (1978). EPA's selection of the groups of fugitive VOC emissions-related equipment as the affected facility reflects a reasoned application of section 111. It assures that an identifiable subset of petroleum emissions—equipment leaks of VOC—is controlled as soon as the equipment responsible for those emissions is either modified, reconstructed, or newly constructed. For the reasons explained at proposal and in the text below, a broader definition (e.g., all the components of a process unit) would simply delay that result.

2 The comment that this group of equipment is not an "apparatus" is without merit. Webster's New Collegiate Dictionary, 1977, defines "apparatus" as, *inter alia*, "the functional machinery by means of which a systematized activity is carried out." The

Continued

discussed in the previous paragraph, a broader affected facility would be inconsistent with the purposes of section 111. It would allow emission reductions resulting from the incremental control of emission points to which the standards do not apply to offset increases in emissions resulting from emission points to which the standards do apply. This would simply delay coverage of the equipment through the modification provisions. Based on these considerations, EPA rejected this approach. Therefore, the affected facilities for the standards are: (1) Compressors in petroleum refineries and (2) the group of equipment (pressure relief devices, open ended lines, sampling systems, valves, and pumps) in a process unit.

One commenter requested that the standards apply to each piece of equipment in VOC service. As the commenter noted, EPA judged that implementing a leak detection and repair program (the principal control technique considered for the standards) for a very small proportion of all the equipment components at a plant site would be too costly. The commenter did not agree with this judgement. However, explained in detail in the BID for the promulgated standards, EPA reconsidered this decision and concluded that the process unit is an appropriate basis for an affected facility, except for compressors.

Comment 2: Other commenters requested that the definition of "volatile organic compounds (VOC)" specifically state which organic compounds are excluded.

Response 2: Volatile organic compounds (VOC) are defined as organic compounds that participate in photochemical reactions. Any organic compound is presumed to participate in atmospheric reactions unless the Administrator determines that it does not. EPA considers several organic compounds to have negligible photochemical reactivity. These are methane, ethane, 1,1,1-trichloroethane, methylene chloride, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, and chloropentafluoroethane.

Comment 3: One commenter stated that process units with in-place state-of-the-art hydrocarbon gas detection systems should be exempted. This commenter requested that units in an arctic environment be exempted because of several unique aspects of refining in the North Slope of Alaska.

Response 3: The presence of an in-place state-of-the-art hydrocarbon gas detection system does not necessarily ensure emission reductions. Gas detection systems set for 12,500 ppm would permit VOC to be emitted without notice. Several megagrams of VOC would be released to the atmosphere annually without the use of specific control techniques like those required by the standards. The commenter did not demonstrate that their system resulted in at least equivalent emission reductions as the standards. Upon request by EPA, the commenter explained the specific control techniques used at their plant, many of which are identical to those required by the standards. Based on EPA experience, gas detection systems alone are ineffective for reducing equipment leaks of VOC. Thus, EPA has not exempted process units using these systems from the standards. The final standards do, however, allow an existing control program to be continued if EPA determines that the program is at least equivalent to the requirements of the standards.

EPA has studied the commenter's concerns and acknowledges that there are several unique aspects to refining in the North Slope of Alaska. Accordingly, EPA concluded that the costs to comply with the routine leak detection and repair requirements of the proposed standards may be unreasonable. These operations incur higher labor, administrative, and support costs associated with leak detection and repair programs because: (1) They are located at great distances from major population centers, (2) they must necessarily deal with the long-term, extremely low temperatures of the arctic, and consequently (3) they must provide extraordinary services for plant personnel. These unique aspects make the cost of routine leak detection and repair unreasonable (Document Number IV–B–15). Therefore, EPA has decided that refineries in the North Slope of Alaska are exempt from the routine leak detection and repair requirements of the standards. This exemption does not include the equipment requirements in the standards because the cost of those requirements is reasonable.

Comment 4: Commenters accused EPA of incorporating into the standards a bias against small refiners. They asserted that small refiners will be affected more adversely than will large refiners.

Response 4: In analyzing the economic impacts of the standards, EPA assumed a reasonably small throughput for a range of process unit types. EPA anticipated that process units with small throughput would show significant adverse economic impacts, if any exist, much more readily than large throughput units. Thus, EPA's impact analysis was sensitive to impacts on small refiners. However, no adverse economic impacts were projected (see Chapter 9 of the BID for the proposed standards). Therefore, EPA concluded that the standards are reasonable in general and considered specifically how the standards impact small firms.

Modification and Reconstruction

Comment 1: Commenters requested that the capital expenditure determination (as it relates to the modification provisions) be revised so that it is more practicable.

Response 1: After reviewing the comments concerning the difficulties with using the capital expenditure definition, EPA agreed that the definition for capital expenditure may be difficult to use for some refineries. Accordingly, EPA decided to provide an alternative to the procedures in the General Provisions. Although the implementation of the capital expenditure definition has been made more practicable, the original intent of the definition has been maintained.

The alternative uses an adjusted annual asset guideline repair allowance (AAGRA) and the replacement costs to determine capital expenditure. The adjusted AAGRA is determined by a formula and is based on a ratio that reflects inflation of costs over the last several years. The adjusted AAGRA is multiplied by the replacement costs of the equipment within the facility to determine the value of a capital expenditure.

Comment 2: Commenters held that reconstruction costs should not be accumulated. Two commenters requested EPA to exclude from the reconstruction provisions the costs of equipment replacement done for routine maintenance purposes.

Response 2: EPA is considering an amendment to the reconstruction provisions (40 CFR 60.15) so that reconstruction costs are accumulated for a 2-year period. EPA promulgated the reconstruction provisions to comply

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vagueness of this definition suggests that the term does not plainly exclude the group of equipment EPA has selected as the affected facility. Beyond that, however, the purpose of the § 60.2 definition is merely to identify as the "affected facility" the specific equipment actually subject to a standard of performance. Focusing on the word "apparatus," as if the Agency had intended it to have some additional effect, is inconsistent with that fairly simple purpose.

with Congressional intent to ensure that essentially new facilities due to reconstruction would be subject to "new source" performance standards. The reconstruction provisions were promulgated in 1975 (40 FR 5846), and EPA has applied these provisions consistently since that time.

A source is identified for consideration as a reconstructed source when: (1) The fixed capital costs of the new components exceed 50 percent of the fixed capital costs that would be required to construct a comparable, entirely new facility, and (2) it is technologically and economically feasible to meet the applicable standards set forth. The final judgment on whether a replacement constitutes reconstruction will be made by the Administrator. The purpose of the reconstruction provisions is to ensure that an owner or operator does not attempt to avoid the application of performance standards to his or her essentially new reconstructed facility by retaining minor components such as support structures, frames, housing, etc., and claiming that the facility therefore does not qualify as "new source." EPA authority to subject reconstructed sources to new source standards of performance has not been questioned in any court decision.

If one considers the 50 percent cost factor which triggers reconstruction strictly on a project-by-project basis, a wide variety of interpretations can arise as to what a "project" entails. For example, a process unit with several hundred pieces of equipment may refurbish one-third of them and then 1 year later begin to refurbish another one-third. If these maintenance efforts were interpreted as separate projects, neither one would likely exceed the 50 percent replacement cost to trigger reconstruction. If, however, it was the owner's original intent to refurbish two-thirds of the equipment, the two maintenance efforts would be interpreted as one project and would probably constitute a reconstruction. In many cases, it would not be possible to determine the original intent of the owner or operator. EPA believes that it is appropriate to reduce the number of subjective determinations concerning an owner's intent. One way to do this for the reconstruction provisions is to apply a criterion which considers the expenditures made over a fixed time period. This would rely on a reasonable objective surrogate for the owner's subjective intent.

The administrative effort to keep the required records of expenditures should not be a burden on the industry. Section 60.15 defines the "fixed capital cost" of replacement components as the capital needed to provide all the "depreciable" components. By excluding nondepreciable components from consideration in calculating component replacement costs, many components that are replaced frequently to keep the plant in proper working order are excluded from this recordkeeping. The recordkeeping required under the "fixed time period" interpretation of reconstruction is the same as the recordkeeping that would be required under a strictly project-by-project interpretation. In either case, the dollar amount of the component replacements taking place at the facility must be determined and recorded.

Accordingly, EPA is clarifying the meaning of "proposed" component replacements in § 60.15. Specifically, EPA has been interpreting "proposed" replacement components under § 60.15 to include components which are replaced pursuant to all continuous programs of component replacements which commence (but are not necessarily completed) within the period of time determined by EPA to be appropriate for the individual NSPS involved. Until this revision is promulgated in the General Provisions of 40 CFR Part 60, EPA is selecting a 2-year period as the appropriate period for purposes of this NSPS (Subpart GGG). EPA will count toward the 50 percent reconstruction threshold the "fixed capital cost" of all depreciable components (except those described in the next response) replaced pursuant to all continuous programs of reconstruction which commence within any 2-year period following proposal of these standards. In EPA's judgment, the 2-year period provides a reasonable, objective method of determining whether an owner of facilities within petroleum refineries is actually "proposing" extensive component replacement, within EPA's original intent in promulgating § 60.15.

Reconstruction costs are the fixed capital cost or the capital needed to provide all the "depreciable" components, while most routine maintenance practices involve the use of nondepreciable components. Because routine maintenance items (valve packing, pump seals, replacement rupture disks, nuts and bolts) cost very little compared to the cost of equipment (covered by the standards) in a process unit, it is very unlikely that even if these parts were all depreciable routine maintenance would trigger a reconstruction even if accumulated over several years. The cost of these items is relatively small. In EPA's judgment, maintaining records of the repair or replacement of these items may constitute an unnecessary burden. Moreover, EPA does not consider the replacement of these items an element of the turnover in the life of the facility. Therefore, in accordance with 40 CFR 60.15(g), the final standards (Subpart GGG) will exempt certain frequently replaced components from consideration in applying the reconstruction provisions to petroleum refinery process unit facilities.

The costs of these frequently replaced valve parts will not be considered in calculating either the "fixed capital cost of the new components" or the "fixed capital cost that would be required to construct a comparable, entirely new facility" under § 60.15. In EPA's judgment, these items are pump seals, valve packings, nuts and bolts, and rupture disks. Replacements of pumps, values, and other fugitive equipment at turnarounds or at other times are included in reconstructions costs. For turnarounds that involve significant refurbishment of a process unit, EPA would likely consider this a reconstruction. EPA also considers it appropriate to include in reconstruction costs the replacement of equipment due to the accidental loss of an original component, since the reason for an owner's refurbishing a facility has no bearing on whether the facility itself is comparable to a new source for which application of the best control systems is reasonable.

Reporting and Recordkeeping

Comment 1: One commenter remarked that the standards are not enforceable and another commenter stated that reporting should be added to the standards.

Response 1: Reports, records, and inspections will be used to ensure compliance by all facilities subject to these standards. State and EPA Regional air quality control authorities have successfully implemented regulations similar to the standards. At proposal EPA stated that routine reporting was not required. Reporting requirements were limited to notifications of construction, anticipated startup and actual startup, and an intention to comply with one of the alternative standards. At that time, EPA believed that these reporting requirements would not provide a mechanism for checking the thoroughness of the industry's efforts to reduce fugitive emissions of VOC. The Agency decided instead that compliance

would be assessed through in-plant inspections.

EPA has now decided that reporting is necessary to assess implementation of the work practice and equipment requirements of the standards. EPA agrees with the commenter that facilities not complying with the standards might have an unfair advantage (albeit, somewhat small). More importantly, facilities not complying with the standards would not be using BDT as required by the Clean Air Act, the purpose of which is to prevent new pollution problems. EPA believes that reporting is important to the effective enforcement of the standards. Reporting will reduce the necessity for many in-plant inspections, while improving the enforceability of the standards. EPA's conclusion that reports are useful is also based on the experience of the State and local air quality control boards.

As explained at proposal, three alternatives were considered for reporting requirements. The three alternatives represented trade-offs among varying amounts of in-plant inspections and report preparation for enforcement. The first alternative required no routine reporting and relied on inspections for enforcement. The third alternative relied almost totally on reports and would require minimum inspections to judge compliance. Under the second alternative, some reporting and some inspections is required and is included in the final regulations. These reporting requirements, however, have been streamlined to include reporting of data on leak detection and repair of pumps, valves, and other equipment types only. In addition, periodic reports are on a semiannual rather than quarterly basis. The semiannual reporting requirements may be waived for affected sources in any State that is delegated authority to enforce these standards, provided EPA approves reporting requirements or an alternative means of source surveillance adopted by the State. Such sources would be required to comply with the requirements adopted by the State.

Comment 2: Commenters wrote that the recordkeeping requirements were needlessly complex and burdensome. In contrast, another commenter stated that more information should be recorded to ensure compliance with the standards.

Response 2: Before the standards were proposed, EPA considered three alternative levels of recordkeeping. The proposed recordkeeping requirements were considered the minimum consistent with adequate enforcement; thus, the paperwork burden on owners and operators is the minimum amount necessary to enforce the standards adequately. At proposal, EPA weighed the paperwork burden on the industry against the burden on the enforcement authority (Federal, State and local) to determine compliance with the standards and selected the proposed requirements.

Compliance with the final standards will be generally determined through inspection. However, because the intent of the standards is a continuous reduction in equipment leaks of VOC and continuous inspection by enforcement authorities is not possible, records must be maintained if an inspector is to determine retrospectively whether a facility has been in compliance with the standards. EPA considers the required records for an owner or operator's leak detection and repair program necessary to document the operator's compliance efforts. These records would likely already be maintained by a prudent owner or operator, and should therefore add little additional recordkeeping burden.

The records required for identifying fugitive emission components, and control device schematics and design data are not unreasonably burdensome. This information would be developed only once, and would require changing or updating only if the facility were changed. The control device schematics and design data should be available to plant engineers already, and as such do not represent an added burden. For new facilities, the reasons why a component must be installed in a location which makes it difficult or unsafe to monitor must be documented prior to installing the component in such a position. The number of difficult-to-monitor or unsafe-to-monitor components will be small and, therefore, should not create an excessive recordkeeping burden. After considering the comments that the recordkeeping requirements are needlessly complex and burdensome and the comment that more information was needed to enforce the standards adequately, EPA decided to promulgate the recordkeeping requirements as proposed.

Changes Being Made to SOCMI Standards (Subpart VV)

Several of the decisions made on the standards of performance for equipment leaks of VOC within petroleum refineries (since they were proposed) affect EPA's position on standards of performance (Subpart VV) for equipment leaks of VOC within the Synthetic Organic Chemical Manufacturing Industry (SOCMI). These decisions are the result of new or additional technical analysis of the control techniques considered in the standards for petroleum refineries and SOCMI and, therefore, should be made consistent for these two standards. The decisions concern the alternative for determining a "capital expenditure," the clarification of reconstruction provisions, difficult-to-monitor valves in new units, and double block and bleed valve clarification. The discussions of these decisions are found in sections 2.2.3.1, 2.7, 4.2, and 5.0 of the BID for promulgated standards as they apply for petroleum refineries. The basis for the revisions to Subpart VV is consistent with these discussions. Since these revisions either simply clarify ambiguous aspects of the current regulation or provide more practicable alternatives to current requirements consistent with their intent and without changing their substance, EPA believes that additional notice and comment are unnecessary. For this reason, the Agency finds "good cause" under 42 U.S.C. 7607(d)(1) and 5 U.S.C. 553(b), subparagraph (B) to promulgate these revisions together with the refinery standards. In addition, a few typographical errors were printed in the **Federal Register** when Subpart VV was promulgated. These errors are also corrected in this notice.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industry involved to identify and locate documents so that they can participate effectively in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review, except for interagency review materials [section 307(d)(7)(A)].

Miscellaneous

In accordance with section 117 of the Act, publication of these promulgated standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements

in emission control technology, and reporting requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under section 111(b) of the Act. An economic impact assessment was prepared for this regulation and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the standards to ensure that cost was carefully considered in determining the best demonstrated technology. The economic impact assessment is included in the background information documents for the proposed standards and the promulgated standards.

The information collection requirements in this rule have been submitted for approval to OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* These requirements were approved; the OMB control number is 2060–0067.

"Major Rule" Determination. Under Executive Order 12291, the Administrator is required to judge whether a regulation is a "major rule" and, therefore, subject to certain requirements of the Order. The Administrator has determined that this regulation would result in none of the adverse economic effects set forth in section 1 of the Order as grounds for finding a regulation to be a "major rule." Fifth-year annualized costs of the standards would be as much as $4.1 million for the projected 262 newly constructed, modified, and reconstructed refining facilities that could be affected by the standards during the first 5 years. The economic analysis shows that any combination of the control techniques presented in Table 1, excluding the use of sealed bellows valves, would not have a significant impact on petroleum refineries. The standards result in no adverse impact on profitability (decrease less than 0.5 percent), would have a potential to increase slightly the consumer price of petroleum products (0.1 percent or less), and would have no adverse impact on capital availability for construction of refineries. The Administrator has concluded that this rule is not "major" under any of the criteria established in the Executive Order.

As discussed in the "Basis For the Standards" section of this preamble, costs per megagram of VOC emission reduction were used in selecting the standards promulgated by this rulemaking. This regulation was submitted to the OMB for review as required in Executive Order 12291. Any comments from OMB to EPA and any EPA responses to those comments are available for pubic inspection in Docket No. A–80–44, Central Docket Section, at the address given in the **ADDRESSES** section of this preamble.

Regulatory Flexibility Analysis Certification. The Regulatory Flexibility Act of 1980 requires that adverse effects of all Federal regulations upon small businesses be identified. According to current Small Business Administration guidelines, a small business in the petroleum refining industry is one that has 1,500 employees or fewer. There are many small companies that refine petroleum and employ fewer than 1,500 persons. However, even if facilities owned by small businesses do become subject to the standards, none will be adversely affected. This can be said because the price and profitability impacts previously described have been estimated from the perspective of the "smaller" refinery units in operation. Thus, the economic impact for facilities owned by small businesses is not considered significant. Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference, Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators, Fiberglass insulation, Synthetic fibers.

Dated: May 15, 1984.

William D. Ruckelshaus,

Administrator.

PART 60—[AMENDED]

40 CFR Part 60 is amended as follows:

1. By adding a new Subpart GGG as follows:

Subpart GGG—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries

Sec.

60.590 Applicability and designation of affected facility.
60.591 Definitions.
60.592 Standards.
60.593 Exceptions.
60.594–60.599 [Reserved]

Authority: Sections 111 and 301(a) of the Clean Air Act, as amended, [42 U.S.C. 7411, 7601(a)], and additional authority as noted below.

Subpart GGG—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries

§ 60.590 Applicability and designation of affected facility.

(a)(1) The provisions of this subpart apply to affected facilities in petroleum refineries.

(2) A compressor is an affected facility.

(3) The group of all the equipment (defined in § 60.591) within a process unit is an affected facility.

(b) Any affected facility under paragraph (a) of this section that commences construction or modification after January 4, 1983, is subject to the requirements of this subpart.

(c) Addition or replacement of equipment (defined in § 60.591) for the purpose of process improvement which is accomplished without a capital expenditure shall not by itself be considered a modification under this subpart.

(d) Facilities subject to Subpart VV or Subpart KKK of 40 CFR Part 60 are excluded from this subpart.

§ 60.591 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act, in Subpart A of Part 60, or in Subpart VV of Part 60, and the following terms shall have the specific meanings given them.

"Alaskan North Slope" means the approximately 69,000 square mile area extending from the Brooks Range to the Arctic Ocean.

"Equipment" means each valve, pump, pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in VOC service. For the purposes of recordkeeping and reporting only, compressors are considered equipment.

"In Hydrogen Service" means that a compressor contains a process fluid that meets the conditions specified in § 60.593(b).

"In Light Liquid Service" means that the piece of equipment contains a liquid that meets the conditions specified in § 60.593(c).

"Petroleum Refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through the distillation of petroleum, or through the redistillation, cracking, or reforming of unfinished petroleum derivatives.

"Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

"Process Unit" means components assembled to produce intermediate or final products from petroleum, unfinished petroleum derivatives, or other intermediates; a process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

§ 60.592 Standards.

(a) Each owner or operator subject to the provisions of this subpart shall comply with the requirements of § 60.482–1 to § 60.482–10 as soon as practicable, but no later than 180 days after initial startup.

(b) An owner or operator may elect to comply with the requirements of § 60.483–1 and § 60.483–2.

(c) An owner or operator may apply to the Administrator for a determination of equivalency for any means of emission limitation that achieves a reduction in emissions of VOC at least equivalent to the reduction in emissions of VOC achieved by the controls required in this subpart. In doing so, the owner or operator shall comply with requirements of § 60.484.

(d) Each owner or operator subject to the provisions of this subpart shall comply with the provisions of § 60.485 except as provided in § 60.593.

(e) Each owner or operator subject to the provisions of this subpart shall comply with the provisions of § 60.486 and § 60.487.

(Sec. 114 of Clean Air Act as amended (42 U.S.C. 7414))

§ 60.593 Exceptions.

(a) Each owner or operator subject to the provisions of this subpart may comply with the following exceptions to the provisions of Subpart VV.

(b)(1) Compressors in hydrogen service are exempt from the requirements of § 60.592 if an owner or operator demonstrates that a compressor is in hydrogen service.

(2) Each compressor is presumed not be be in hydrogen service unless an owner or operator demonstrates that the piece of equipment is in hydrogen service. For a piece of equipment to be considered in hydrogen service, it must be determined that the percent hydrogen content can be reasonably expected always to exceed 50 percent by volume. For purposes of determining the percent hydrogen content in the process fluid that is contained in or contacts a compressor, procedures that conform to the general method described in ASTM E–260, E–168, or E–169 (incorporated by reference as specified in §60.17) shall be used.

(3)(i) An owner or operator may use engineering judgment rather than procedures in paragraph (b)(2) of this section to demonstrate that the percent content exceeds 50 percent by volume, provided the engineering judgment demonstrates that the content clearly exceeds 50 percent by volume. When an owner or operator and the Administrator do not agree on whether a piece of equipment is in hydrogen service, however, the procedures in paragraph (b)(2) shall be used to resolve the disagreement.

(ii) If an owner or operator determines that a piece of equipment is in hydrogen service, the determination can be revised only after following the procedures in paragraph (b)(2).

(c) Any existing reciprocating compressor that becomes an affected facility under provisions of § 60.14 or § 60.15 is exempt from § 60.482 (a), (b), (c), (d), (e), and (h) provided the owner or operator demonstrates that recasting the distance piece or replacing the compressor are the only options available to bring the compressor into compliance with the provisions of § 60.482 (a), (b), (c), (d), (e), and (h).

(d) An owner or operator may use the following provision in addition to § 60.485(e): Equipment is in light liquid service if the percent evaporated is greater than 10 percent at 150°C as determined by ASTM Method D–86 (incorporated by reference as specified in § 60.18).

(e) Pumps in light liquid service and valves in gas/vapor and light liquid service within a process unit that is located in the Alaskan North Slope are exempt from the requirements of § 60.482–2 and § 60.482–7.

2. By adding in alphabetical order the new terms "capital expenditure," "double block and bleed system," and "replacement cost" in § 60.481 of Subpart VV as follows:

§ 60.481 Definitions.

* * * * *

"Capital expenditure" means, in addition to the definition in 40 CFR 60.2, an expenditure for a physical or operational change to an existing facility that:

(a) Exceeds P, the product of the facility's replacement cost, R, and an adjusted annual asset guideline repair allowance, A, as reflected by the following equation: $P = R \times A$, where

(1) The adjusted annual asset guideline repair allowance, A, is the product of the percent of the replacement cost, Y, and the applicable basic annual asset guideline repair allowance, B, as reflected by the following equation: $A = Y \times (B \div 100)$;

(2) The percent Y is determined from the following equation: $Y = 1.0 - 0.575 \log X$, where X is the year of construction; and

(3) The applicable basic annual asset guideline repair allowance, B, is selected from the following table consistent with the applicable subpart:

TABLE FOR DETERMINING APPLICABLE FOR B

Subpart applicable to facility	Value of B to be used in equation
VV	12.5
DDD	12.5
GGG	7.0
KKK	4.5

* * * * *

"Double block and bleed system" means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

* * * * *

"Replacement cost" means the capital needed to purchase all the depreciable components in a facility.

* * * * *

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

3. By adding paragraph (c) to § 60.482–6 as follows:

§ 60.482–6 Standards: Open-ended valves or lines.

* * * * *

(c) When a double block-and-bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but shall comply with paragraph (a) at all other times.

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

4. By revising paragraph (d)(1) of § 60.480 as follows:

§ 60.480 Applicability and designation of affected facility.

* * * * *

(d)(1) If an owner or operator applies for one or more of the exemptions in this paragraph, then the owner or operator shall maintain records as required in § 60.486(i).

* * * * *

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

5. By revising paragraph (d) of § 60.482–1 as follows:

§ 60.482-1 Standards: General.

* * * * *

(d) Equipment that is in vacuum service is excluded from the requirements of § 60.482-2 to § 60.482-10 if it is identified as required in § 60.486(e)(5).

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

6. By revising paragraph (c)(2) and paragraph (h)(2) of § 60.482-7 as follows:

§ 60.482-7 Standards: Valves in gas/vapor and in light liquid service.

* * * * *

(c) * * *

(2) If a leak is detected, the valve shall be monitored monthly until a leak is not detected for 2 successive months.

* * * * *

(h) * * *

(2) The process unit within which the valve is located either becomes an affected facility through § 60.14 or § 60.15 or the owner or operator designates less than 3.0 percent of the total number of valves as difficult-to-monitor, and

* * * * *

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

7. By revising paragraphs (c)(2) (ii) and (vi) of § 60.487 as follows:

§ 60.487 Reporting requirements.

* * * * *

(c) * * *

(2) * * *

(ii) Number of valves for which leaks were not repaired as required in § 60.482-7(d)(1),

* * * * *

(vi) Number of compressors for which leaks were not repaired as required in § 60.482-3(g)(1), and

* * * * *

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

(Approved by the Office of Management and Budget under control number 2060-0067.)

8. By adding § 60.488 to Subpart VV as follows:

§ 60.488 Reconstruction.

For the purposes of this subpart:

(a) The cost of the following frequently replaced components of the facility shall not be considered in calculating either the "fixed capital cost of the new components" or the "fixed capital costs that would be required to construct a comparable new facility" under § 60.15: pump seals, nuts and bolts, rupture disks, and packings.

(b) Under § 60.15, the "fixed capital cost of new components" includes the fixed capital cost of all depreciable components (except components specified in § 60.488 (a)) which are or will be replaced pursuant to all continuous programs of component replacement which are commenced within any 2-year period following the applicability date for the appropriate subpart. (See the "Applicability and designation of affected facility" section of the appropriate subpart.) For purposes of this paragraph, "commenced" means that an owner or operator has undertaken a continuous program of component replacement or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of component replacement.

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

9. By revising paragraphs (a) (34), (35), and (36) by adding (a)(4) of § 60.17 of Subpart A—General Provisions as follows:

§ 60.17 Incorporation by reference.

(a) * * *

(34) ASTM E169-63 (Reapproved 1977), General Techniques of Ultraviolet Quantitative Analysis, IBR approved for § 60.485(d) and § 60.593(b).

(35) ASTM E168-67 (Reapproved 1977), General Techniques of Infrared Quantitative Analysis, IBR approved for § 60.485(d) and § 60.593(b).

(36) ASTM E260-73, General Gas Chromatography Procedures, IBR approved for § 60.485(d) and § 60.593(b).

* * * * *

(40) ASTM D86-78, Distillation of Petroleum Products, IBR approved for § 60.593(d).

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

Appendix A [Amended]

10. By redesignating the heading "5.2 Apparatus" as "5.1 Apparatus" in Method 18 of Appendix A as follows:

* * * * *

5.1 Apparatus

* * * * *

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

11. By revising the first equation in Section 6.2.1.1 in Method 18 of Appendix A as follows:

$$Q_2 = Q_1 \sqrt{\frac{P_2 T_1}{P_1 T_2}} \qquad \text{Eq. 18-1}$$

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

12. By revising the citation "Citation 21 in section 8." to "Citation 18 in section 8." in 6.2.1.1 in Method 18 of Appendix A.

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

13. By changing the word "caped" to "capped" in section 6.2.2.1 in Method 18 of Appendix A.

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

14. By changing all the "mg/liter" to "g/liter" in section 6.2.2.3 in Method 18 of Appendix A.

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

15. By changing the word "with" to "within" in section 7.4.4.3 in Method 18 of Appendix A.

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, 7601(a)))

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Part III

Department of Energy

Federal Energy Regulatory Commission

NGPA Notices of Determinations by Jurisdictional Agencies

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Vol. 7130]

NGPA Notices of Determination By Jurisdictional Agencies

Issued May 22, 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:

Sect. 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
103 : New New onshore production well
Sect. 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
Sect. 108: Stripper well
108–SA: Seasonally affected
107–ER: Enhanced recovery
107–PB: Temporary pressure buildup

Kenneth F. Plumb,
Secretary

NOTICE OF DETERMINATIONS VOLUME 1130
ISSUED MAY 22, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-AMERADA HESS CORPORATION				RECEIVED:	04/30/84	JA: TX			
8431320	F-7C-081068	4238300000		108		G L ALDWELL #3801	SPRABERRY TRNED AREA	2.9	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:	04/30/84	JA: TX			
8431256	F-8A-080928	4230330957		103		ANTON IRISH CLEARFORK UNIT #447	ANTON IRISH	11.0	WESTAR TRANSMISSI
8431384	F-8A-081249	4230330954		103		ANTON IRISH CLEARFORK UNIT #469	ANTON IRISH	72.0	WESTAR TRANSMISSI
8431385	F-8A-081250	4230330953		103		ANTON IRISH CLEARFORK UNIT #470	ANTON IRISH	21.0	WESTAR TRANSMISSI
8431255	F-8A-080927	4230330959		103		ANTON IRISH CLEARFORK UNIT #471	ANTON IRISH	45.0	WESTAR TRANSMISSI
8431383	F-8A-081248	4230330963		103		ANTON IRISH CLEARFORK UNIT #476	ANTON IRISH	48.0	WESTAR TRANSMISSI
8431298	F-08-081005	4249531605		103		G P MITCHELL -B #15	HALLEY(CLEARFORK)	29.0	AMOCO PRODUCTION
8431257	F-8A-080929	4221933906		103		LEVELLAND UNIT #790	LEVELLAND	98.0	AMOCO PRODUCTION
8431296	F-08-081003	4200333750		103		MIDLAND FARMS "AY" #2	FASKEN (PENN)	181.0	AMOCO PRODUCTION
8431290	F-08-080997	4200333723		102-4		MIDLAND FARMS "AY" #5	FASKEN (WOLFCAMP 8400	225.0	AMOCO PRODUCTION
8431292	F-08-080999	4200333650		103		MIDLAND FARMS DEEP UNIT #105	MIDLAND FARMS (WOLFCA	192.0	AMOCO PRODUCTION
8431291	F-08-080898	4200333649		103		MIDLAND FARMS DEEP UNIT #78	MIDLAND FARMS (WOLFCA	84.0	AMOCO PRODUCTION
8431299	F-08-081006	4213534270		102-4		MRS T B ROBERTS R/A "A" #30	COWDEN N (PENN)	45.0	AMOCO PRODUCTION
8431297	F-08-081004	4213533640		103		NORTH COWDEN UNIT #1095	COWDEN NORTH	0.0	AMOCO PRODUCTION
8431293	F-08-081000	4213534316		103		NORTH COWDEN UNIT #1131	COWDEN NORTH	42.0	AMOCO PRODUCTION
8431295	F-08-081002	4200333724		103		UNIVERSITY "FN" #1	FASKEN (PENN)	183.0	AMOCO PRODUCTION
8431288	F-08-080995	4200333787		103		UNIVERSITY MCFARLAND QUEEN #10-03	MCFARLAND (QUEEN)	1.0	PHILLIPS PETROLEU
8431289	F-08-080996	4200333771		103		UNIVERSITY MCFARLAND QUEEN #11-01	MCFARLAND (QUEEN)	7.0	PHILLIPS PETROLEU
8431294	F-08-081001	4200333784		103		UNIVERSITY MCFARLAND QUEEN CON #7-5	MCFARLAND (QUEEN)	5.0	PHILLIPS PETROLEU
8431287	F-08-080994	4200333782		103		UNIVERSITY MCFARLAND QUEEN CON #7-6	MCFARLAND (QUEEN)	22.0	PHILLIPS PETROLEU
8431307	F-8A-081014	4250132443		103		WASSON ODC UNIT #534	WASSON	32.0	SHELL OIL CO
8431382	F-8A-081247	4250132444		103		WASSON ODC UNIT #535	WASSON	77.0	SHELL OIL CO
8431381	F-8A-081246	4250121447		103		WASSON ODC UNIT #537	WASSON	19.0	SHELL OIL CO
8431306	F-8A-081013	4250132446		103		WASSON ODC UNIT #538	WASSON	35.0	SHELL OIL CO
8431305	F-8A-081012	4250132477		103		WASSON ODC UNIT #539	WASSON	3.0	SHELL OIL CO
8431304	F-8A-081011	4250132476		103		WASSON ODC UNIT #540	WASSON	0.0	SHELL OIL CO
8431303	F-8A-081010	4250132475		103		WASSON ODC UNIT #541	WASSON	31.0	SHELL OIL CO
8431302	F-8A-081009	4250132474		103		WASSON ODC UNIT #542	WASSON	20.0	SHELL OIL CO
8431301	F-8A-081008	4250132472		103		WASSON ODC UNIT #543	WASSON	63.0	SHELL OIL CO
8431300	F-8A-081007	4250132473		103		WASSON ODC UNIT #544	WASSON	44.0	SHELL OIL CO
8431380	F-8A-081243	4250132467		103		WASSON ODC UNIT #563	WASSON	17.0	SHELL OIL CO
8431283	F-8A-080988	4250132462		103		WASSON ODC UNIT #571	WASSON	22.0	SHELL OIL CO
8431282	F-8A-080987	4250132463		103		WASSON ODC UNIT #572	WASSON	57.0	SHELL OIL CO
8431281	F-8A-080986	4250132440		103		WASSON ODC UNIT #573	WASSON	42.0	SHELL OIL CO
8431280	F-8A-080985	4250132441		103		WASSON ODC UNIT #574	WASSON	45.0	SHELL OIL CO
8431284	F-8A-080989	4250132439		103		WASSON ODC UNIT #575	WASSON	61.0	SHELL OIL CO
-APEX PETROLEUM INC				RECEIVED:	04/30/84	JA: TX			
— 8431424	F-7B-081338	4208322437		102-4		JOHN E WOLF #22 (19329)	WOLF (SERRATT LOWER)	1.0	EL PASO HYDROCARB
-BAYTECH INC				RECEIVED:	04/30/84	JA: TX			
8431327	F-08-081104	4200333806		103		UNIVERSITY "35" #1	FUHRMAN-MASCHO	6.6	PHILLIPS PETROLEU
-BRAHMAN ENERGY INC				RECEIVED:	04/30/84	JA: TX			
8431423	F-04-081335	4206130444		103		CONOCO FEE #1	BOORY (MIOCENE 4800)	0.0	VICTORIA GAS CORP
-BTA OIL PRODUCERS				RECEIVED:	04/30/84	JA: TX			
8431397	F-7C-081277	4238332524		103		CREWS #6	SPRABERRY (TREND AREA	4.0	EL PASO NATURAL G

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8431326	F-08-081102	4231732019		103		7412 JV-S MUSTANG 'B' #10	LACAFF (WOLFCAMP)	18.0	PHILLIPS PETROLEU
-CHEVRON U S A INC				RECEIVED:	04/30/84	JA: TX			
8431412	F-8A-081313	4241532485		103		SACROC UNIT #171-5	KELLY - SNYDER	27.0	EL PASO NATURAL G
8431416	F-8A-081317	4241532492		103		SACROC UNIT #56-17	KELLY - SNYDER	4.0	EL PASO NATURAL G
8431415	F-8A-081316	4241532497		103		SACROC UNIT #56-18	KELLY - SNYDER	159.0	EL PASO NATURAL G
8431414	F-8A-081315	4241532496		103		SACROC UNIT #74-7	KELLY - SNYDER	228.0	EL PASO NATURAL G
8431413	F-8A-081314	4241532494		103		SACROC UNIT NO 90-6	KELLY - SNYDER	10.0	EL PASO NATURAL G
-COASTAL OIL & GAS CORP				RECEIVED:	04/30/84	JA: TX			
8431337	F-8A-081140	4216532660		103		SO HARRIS UNIT 11-4	HARRIS	2.0	PHILLIPS PETROLEU
8431395	F-8A-081274	4216532650		103		SO HARRIS UNIT 12-10	HARRIS	5.0	PHILLIPS PETROLEU
-CONOCO INC				RECEIVED:	04/30/84	JA: TX			
8431324	F-08-081096	4213531785		108		H S FOSTER #7 ID 08302	SOUTH COWDEN	0.9	PHILLIPS PETROLEU
8431325	F-08-081097	4200300000		108		WEST FUHRMAN MASCHO UNIT #16 21220	FUHRMAN MASCHO	0.1	PHILLIPS PETROLEU
8431323	F-08-081095	4213532871		108		WIGHT UNIT #117 ID 20661	NORTH COWDEN	0.1	AMOCO PRODUCTION
-CREWS OIL CO				RECEIVED:	04/30/84	JA: TX			
8431319	F-7C-081066	4239933125		102-4		JAYROE #2 (10189)	CREWS (FRY LOWER)	0.5	LONE STAR GAS CO
-DISCOVERY OPERATING INC				RECEIVED:	04/30/84	JA: TX			
8431277	F-7C-080974	4241330904		108		HENDERSON A #1	CODY BELL (CANYON)	11.2	NORTHERN NATURAL
8431279	F-7C-080982	4241330774		108		MURPHY #1	ELDORADO N (CANYON A)	13.4	ARCO OIL & GAS CO
8431308	F-08-081021	4200332246		108		UNIVERSITY 12 #1	BLOCK 12 (YATES)	10.4	NORTHERN NATURAL
-ENERGY RESERVES GROUP INC				RECEIVED:	04/30/84	JA: TX			
8431263	F-7C-080944	4238300000		108		VERNA M SUNDAY #2	CALVIN DEAN	4.2	UNION TEXAS PETRO
-EXXON CORPORATION				RECEIVED:	04/30/84	JA: TX			
8431262	F-04-080938	4227331768		102-4		* KING RANCH BORREGOS M-38-BF 108904	BORREGOS (R-4 N)	265.0	ARMCO STEEL CORP
8431261	F-04-080937	4226130862		102-4		MRS S K EAST 160 (108916)	RITA N E (J-20)	400.0	ARMCO STEEL CORP
8431418	F-04-081327	4204730577		103		RJ KLEBERG JR T QUITERIA 76-F 10347	VIBORAS (F-70,VII)	328.0	ARMCO STEEL CORP
-FAGADAU ENERGY CORP				RECEIVED:	04/30/84	JA: TX			
8431379	F-09-081232	4207733332		102-4		LEDA GARRETT ROE #2 RRC #23560	TALLY (CONGL)	73.0	BLUEGROVE GASOLIN
-FRALEY ENERGY CORP INC				RECEIVED:	04/30/84	JA: TX			
8431345	F-10-081148	4237530948		103		MASTERSON "D" (05540) #10-1	PANHANDLE (RED CAVE)	60.0	GETTY OIL CO
8431344	F-10-081147	4237530993		103		MASTERSON "D" (05540) #10-2	PANHANDLE (RED CAVE)	43.0	GETTY OIL CO
8431343	F-10-081146	4237531011		103		MASTERSON "D" (05540) #11-3	PANHANDLE (RED CAVE)	55.0	GETTY OIL CO
8431342	F-10-081145	4237531015		103		MASTERSON "D" (05540) #11-4	PANHANDLE (RED CAVE)	50.0	GETTY OIL CO
8431341	F-10-081144	4237530946		103		MASTERSON "D" (05540) #14-1	PANHANDLE (RED CAVE)	18.0	GETTY OIL CO
8431403	F-10-081285	4237530967		103		MASTERSON "D" (05540) #14-10	PANHANDLE (RED CAVE)	19.0	GETTY OIL CO
8431404	F-10-081286	4237530995		103		MASTERSON "D" (05540) #14-11	PANHANDLE (RED CAVE)	119.0	GETTY OIL CO
8431405	F-10-081287	4237531019		103		MASTERSON "D" (05540) #14-14	PANHANDLE (RED CAVE)	113.0	GETTY OIL CO
8431340	F-10-081143	4237530947		103		MASTERSON "D" (05540) #14-2	PANHANDLE (RED CAVE)	124.0	GETTY OIL CO
8431339	F-10-081142	4237530963		103		MASTERSON "D" (05540) #14-3	PANHANDLE (RED CAVE)	37.0	GETTY OIL CO
8431338	F-10-081141	4237530962		103		MASTERSON "D" (05540) #14-4	PANHANDLE (RED CAVE)	37.0	GETTY OIL CO
8431398	F-10-081280	4237530966		103		MASTERSON "D" (05540) #14-5	PANHANDLE (RED CAVE)	22.0	GETTY OIL CO
8431399	F-10-081281	4237530968		103		MASTERSON "D" (05540) #14-6	PANHANDLE (RED CAVE)	37.0	GETTY OIL CO
8431400	F-10-081282	4237530992		103		MASTERSON "D" (05540) #14-7	PANHANDLE (RED CAVE)	44.0	GETTY OIL CO
8431401	F-10-081283	4237530998		103		MASTERSON "D" (05540) #14-8	PANHANDLE (RED CAVE)	128.0	GETTY OIL CO
8431402	F-10-081284	4237530965		103		MASTERSON "D" (05540) #14-9	PANHANDLE (RED CAVE)	34.0	GETTY OIL CO
8431406	F-10-081288	4237531020		103		MASTERSON "D" (05540) #81-1	PANHANDLE (RED CAVE)	134.0	GETTY OIL CO
-GULF OIL CORPORATION				RECEIVED:	04/30/84	JA: TX			
8431407	F-03-081302	4204131022		103		R BUCHANAN UNIT II #1	KURTEN	48.2	PRODUCERS GAS CO
-HAUN BROTHERS-CHAPMAN OIL-LA FETE				RECEIVED:	04/30/84	JA: TX			
8431314	F-01-081034	4231131959		102-4		SOUTH TEXAS SYNDICATE -A- #303	BIG MULE (5500' SAND)	365.0	ESPERANZA TRANSMI
8431309	F-01-081028	4231131873		102-4		SOUTH TEXAS SYNDICATE #3020	BIG MULE (5500' SAND)	24.0	ESPERANZA TRANSMI
8431310	F-01-081029	4231131899		102-4		SOUTH TEXAS SYNDICATE #4020	BIG MULE (5500' SAND)	26.0	ESPERANZA TRANSMI
8431311	F-01-081030	4231131954		102-4		SOUTH TEXAS SYNDICATE #5020	BIG MULE (5500' SAND)	32.0	ESPERANZA TRANSMI
8431312	F-01-081031	4231131983		102-4		SOUTH TEXAS SYNDICATE #6020	BIG MULE (5500' SAND)	31.0	ESPERANZA TRANSMI
8431313	F-01-081032	4231131996		102-4		SOUTH TEXAS SYNDICATE #7020	BIG MULE (5500' SAND)	31.0	ESPERANZA TRANSMI
-HOOVER B L JR				RECEIVED:	04/30/84	JA: TX			
8431348	F-10-081151	4217931372		103		J B BOWERS "B" #5 (ID# 04936)	PANHANDLE GRAY	51.0	CABOT PIPELINE CO
8431347	F-10-081150	4217931402		103		J B BOWERS "B" #6 (ID# 04936)	PANHANDLE GRAY	50.0	CABOT PIPELINE CO
-INDIAN WELLS OIL CO				RECEIVED:	04/30/84	JA: TX			
8431374	F-7B-081205	4223532177		102-2		ROCKER "B" 1949-S	ROCKER B (CANYON)	0.0	NORTHERN NATURAL
8431373	F-7C-081204	4223532232		103		SCHEUBER 709-1	IRION W (CANYON)	0.0	NORTHERN NATURAL
8431372	F-7C-081203	4223532231		102-2		SMITH 59-6	PROBANDT (CANYON)	0.0	NORTHERN NATURAL
8431370	F-7C-081201	4223532223		103		WILLIAMS 12-1	SHERWOOD (WOLFCAMP)	0.0	NORTHERN NATURAL
8431371	F-7C-081202	4223532224		103		WILLIAMS 13-2	BROOKS (CANYON K)	0.0	NORTHERN NATURAL
-J M HUBER CORPORATION				RECEIVED:	04/30/84	JA: TX			
8431316	F-10-081044	4223331688		103		MAGNOLIA HERRING #30	PANHANDLE	40.5	COLORADO INTERSTA
-KAARI OIL CO				RECEIVED:	04/30/84	JA: TX			
8431260	F-10-080932	4206531461		103		CRUMP #1 (ID #05584)	PANHANDLE CARSON	40.0	KERR-MCGEE CORP
-KERR-MCGEE CORPORATION				RECEIVED:	04/30/84	JA: TX			
8431286	F-08-080993	4213534227		103		FOSTER "C" #17	FOSTER	121.0	ODESSA NATURAL GA
-LYNX OIL CO INC				RECEIVED:	04/30/84	JA: TX			
8431375	F-7B-081221	4208333918		102-4		GRAVES #1 (20724)	NENA GAIL (GARDNER LO	14.0	LONE STAR GAS CO
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	04/30/84	JA: TX			
8431422	F-08-081334	4233532658		103		BRENNAND #14	IATAN EAST HOWARD	0.4	GETTY OIL CO
8431315	F-08-081035	4233532659		103		BRENNAND #15	IATAN EAST HOWARD	0.4	GETTY OIL CO
8431421	F-8A-081333	4221934196		103		EAST MALLET UNIT #122	SLAUGHTER	4.0	AMOCO PRODUCTION
8431259	F-10-080931	4221130402		108-PB		LESTER B URSCHEL #12	CANADIAN NE (DOUGLAS)	17.1	WESTAR TRANSMISSI
8431420	F-8A-081332	4221934132		103		NORTH CENTRAL LEVELLAND UNIT #401	LEVELLAND	10.0	AMOCO PRODUCTION
8431378	F-8A-081228	4221934104		103		NORTH CENTRAL LEVELLAND UNIT #405	LEVELLAND	7.0	AMOCO PRODUCTION
8431377	F-8A-081223	4221934099		103		NORTH CENTRAL LEVELLAND UNIT #409	LEVELLAND	7.0	AMOCO PRODUCTION
8431376	F-8A-081222	4221934133		103		NORTH CENTRAL LEVELLAND UNIT #45 A	LEVELLAND	12.0	AMOCO PRODUCTION
-OILWELL OPERATORS INC				RECEIVED:	04/30/84	JA: TX			
8431366	F-10-081186	4217931568		103		J STEPHENS "B" #4 (03586)	PANHANDLE-GRAY	5.0	PHILLIPS PETROLEU
-PANHANDLE PRODUCING COMPANY				RECEIVED:	04/30/84	JA: TX			
8431352	F-10-081155	4206500000		10		FOSTER #1 (05650)	PANHANDLE CARSON COUN	0.0	GETTY OIL CO
-PHILLIPS OIL CO				RECEIVED:	04/30/84	JA: TX			
8431334	F-8A-081135	4207931067		108		(091 21) WR GHT D S A #1	LEVELLAND (SAN ANDRES	0.0	EL PASO NATURAL G
8431335	F-8A-081136	4207931069		108		(09 122) WR GHT D S #1	LEVELLAND (SAN ANDRES	0.0	EL PASO NATURAL G
8431332	F-08-081133	4210305429		108		(2 554) CENTRAL DUNE UNIT	DUNE	0.0	WARREN PETROLEUM
8431331	F-08-081132	4210305651		108		(2\554) CENTRAL DUNE UNIT #6012	DUNE	0.0	WARREN PETROLEUM
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/ 0/84	JA: TX			
8431336	F-7C-081137	4238310202		108		03593 PHILLIPS SLND ROY ZULETTE #11	SPRABERRY (TREND AREA	5.0	NORTHERN NATURAL
8431333	F-08-081134	4213504345		108		(04865) FORBESS #4	PENWELL (ELLENBURGER)	1 0	EL PASO NATURAL G
8431429	F-10-081349	4242100000		108		ELLIOTT E #1	TEXAS HUGOTON - DOLOM	0.0	ANR PIPELINE CO
-RETWELL CORP				RECEIVED:	04/30/84	JA: TX			
8431276	F-7B-080973	4225300000		102-4		BENNETT "A" #1	COTTONWOOD ANNIE (BLU	11 0	LONE STAR GAS CO
-RICHEY & CO INC				RECEIVED:	04/30/84	JA: TX			
8431386	F-7B-081252	4213335561		102-4		M E FISHER #1	REB	14 0	ENSERCH EXPLORATI
8431346	F-7B-081149	4213335592		102-4		M E FISHER A #1	REB (MARBLE FALLS)	19.5	ENSERCH EXPLORATI
-RIDGEWAY EXCO INC				RECEIVED:	04/30/84	JA: TX			
8431329	F-7B-081110	4213334466		102-4		DELBERT TARVER "A" #19 (19061)	HAWK-EYE (ADAMS BRANC	7 5	SOUTHWESTERN GAS
8431328	F-7B-081109	4213335493		102-4		DELBERT TARVER "A" #20 (19061)	HAWK-EYE (ADAMS BRANC	7.5	SOUTHWESTERN GAS
-SANTA FE MINERALS INC				RECEIVED:	04/30/84	JA: TX			
8431254	F-03-080923	4228731519		103		OSCAR UNIT #1	GIDDINGS (AUSTIN CHAL	8.0	PERRY PIPELINE CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-SHELL WESTERN E&P INC				RECEIVED:	04/30/84	JA: TX			
8431408	F-08-081308	4213534256		103		EAST HARPER UNIT #464	HARPER	11.7	PHILLIPS PETROLEU
8431411	F-08-081311	4213534361		103		WITCHER J E -A- #13	FOSTER	11.0	ODESSA NATURAL CO
8431410	F-08-081310	4213534359		103		WITCHER J E -A- #14	FOSTER	3.7	ODESSA NATURAL CO
8431409	F-08-081309	4213534373		103		WITCHER J E -A- #15	FOSTER	7.3	ODESSA NATURAL CO
-SOHIO PETROLEUM CO				RECEIVED:	04/30/84	JA: TX			
8431349	F-7C-081152	4217331510		103		R S DAVENPORT "C" #19	CALVIN (DEAN)	0.0	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO				RECEIVED:	04/30/84	JA: TX			
8431369	F-8A-081198	4216532592		103		FOSTER #13	D E B	2.0	PHILLIPS PETROLEU
8431368	F-08-081197	4249531665		103		SUN JENKINS "A" #19	KEYSTONE	1.0	TRANSWESTERN PIPE
-STAHL PETROLEUM CO				RECEIVED:	04/30/84	JA: TX			
8431330	F-10-081112	4217930667		108		WEBB C-1	EAST PANHANDLE	0.0	PHILLIPS PETROLEU
-STUART DEVELOPMENT CO				RECEIVED:	04/30/84	JA: TX			
8431417	F-09-081319	4233731602		103		HEAD-LAWSON #1 (22106)	BOEDECKER S E (VIOLA)	40.0	TEXAS UTILITIES F
8431419	F-09-081329	4233700000		103		PEGGY MOORE #1	BOEDECKER S E (VIOLA)	30.0	TEXAS UTILITIES F
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	04/30/84	JA: TX			
8431365	F-7B-081184	4242933553		103		ACKERS-STATE (CADDO) UNIT #21	STEPHENS COUNTY REGUL	0.0	
8431362	F-7B-081178	4213335296		103		B P DAVENPORT #1	RANGER	2.0	
8431363	F-8A-081182	4250100000		108		BENNETT RANCH UNIT #334	WASSON	2.0	SHELL OIL CO
8431361	F-7B-081177	4242933810		103		BLACK - STOKER (CADDO) UNIT #27	STEPHENS COUNTY REGUL	1.0	WARREN PETROLEUM
8431359	F-10-081175	4248300000		108		C B MCALLISTER UNIT #1	KELTON WEST (HUNTON)	4.0	WESTAR TRANSMISSI
8431360	F-7B-081176	4215131711		103		DIX-YOUNG UNIT #1	PARDUE	0.0	
8431273	F-7B-080963	4213335295		103		EVA H DAVENPORT #1	RANGER	8.0	
8431318	F-04-081054	4242730880		103		G G VILLARREAL -C- UNIT 22 #2	GARCIA	95.0	FLORIDA GAS TRANS
8431270	F-7B-080960	4242933889		103		J M WARD "C" #138	STEPHENS COUNTY REGUL	1.0	DAMSON OIL CORP
8431265	F-7B-080955	4242933890		103		J M WARD "C" #139	STEPHENS COUNTY REGUL	3.0	DAMSON OIL CORP
8431264	F-7B-080954	4242933891		103		J M WARD "C" #140	STEPHENS COUNTY REGUL	2.0	DAMSON OIL CORP
8431272	F-7B-080962	4242933897		103		J M WARD "C" #141	STEPHENS COUNTY REGUL	2.0	DAMSON OIL CORP
8431271	F-7B-080961	4242933896		103		J M WARD "C" #142	STEPHENS COUNTY REGUL	4.0	DAMSON OIL CORP
8431269	F-7B-080959	4242933895		103		J M WARD "C" #143	STEPHENS COUNTY REGUL	3.0	DAMSON OIL CORP
8431268	F-7B-080958	4242933894		103		J M WARD "C" #144	STEPHENS COUNTY REGUL	4.0	DAMSON OIL CORP
8431267	F-7B-080957	4242933893		103		J M WARD "C" #145	STEPHENS COUNTY REGUL	3.0	DAMSON OIL CORP
8431266	F-7B-080956	4242933384		103		J M WARD "C" #147	STEPHENS COUNTY REGUL	1.0	DAMSON OIL CORP
8431427	F-7B-081343	4236300000		108		J N STUART #184	PALO PINTO COUNTY REG	0.1	SOUTHWESTERN GAS
8431426	F-7B-081342	4243300000		108		MC MILLIN CANYON SAND UT #20	QUEST	0.4	CITIES SERVICE OI
8431428	F-7B-081344	4243300000		108		MC MILLIN CANYON SAND UT #21	QUEST	0.4	CITIES SERVICE OI
8431425	F-08-081340	4213500000		108		PAUL MOSS UNIT #169	COWDEN SOUTH	0.4	EL PASO HYDROCARB
8431364	F-7B-081183	4215131710		103		S P TUCKER #12	PARDUE	9.0	DAMSON GAS PROCES
8431274	F-7B-080964	4213335294		103		S W RICHARDSON #1	RANGER	0.0	
8431275	F-7B-080965	4213335293		103		S W RICHARDSON #2	RANGER	0.0	
8431358	F-7C-081174	4238300000		108		UNIVERSITY 1011 #2	SPRABERRY (TREND AREA	4.0	EL PASO NATURAL G
8431357	F-8A-081173	4250300000		108		WASSON N CLEARFORK UNIT #13	WASSON	1.0	SHELL OIL CO
-TAUBERT STEED GUNN & MEDDERS				RECEIVED:	04/30/84	JA: TX			
— 8431394	F-8A-081271	4226931166		102-4		S B BURNETT EST "NA" #37	BIG-N-(TANNEHILL)	3.6	LONE STAR GAS CO
8431393	F-8A-081270	4226931168		102-4		S B BURNETT ESTATE "NA" #42	ANNE TANDY (STRAWN 54	0.7	LONE STAR GAS CO
8431258	F-8A-080930	4226931122		102-4		S B BURNETT ESTATE "YA" #46	ANNE TANDY (STRAWN 54	1.4	LONE STAR GAS CO
-TAYLOR BROTHERS OIL CO				RECEIVED:	04/30/84	JA: TX			
8431355	F-01-081167	4234130818		103		MITCH & MITZIE "A" #12	PANHANDLE MOORE COUNT	2.0	PHILLIPS PETROLEU
8431354	F-10-081166	4234130259		103		MITCH & MITZIE "A" #13	PANHANDLE MOORE COUNT	1.0	PHILLIPS PETROLEU
8431356	F-10-081168	4234130930		103		MITCH & MITZIE "A" #19	PANHANDLE MOORE COUNT	2.0	PHILLIPS PETROLEU
-TED TRUE INC				RECEIVED:	04/30/84	JA: TX			
— 8431392	F-10-081268	4234131123		103		BRENT 6701	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8431391	F-10-081265	4234131121		103		BRENT 6703	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8431390	F-10-081264	4234131128		103		BRENT 6704	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8431389	F-10-081263	4234131120		103		BRENT 6801	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8431388	F-10-081262	4234131127		103		BRENT 6802	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8431387	F-10-081261	4234131130		103		BRENT 6804	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
-TENNECO OIL COMPANY				RECEIVED:	04/30/84	JA: TX			
8431317	F-8A-081053	4207931650		103		MALLET LAND & CATTLE CO #25	SLAUGHTER	270.0	AMOCO PRODUCTION
-VERNON E FAULCONER INC				RECEIVED:	04/30/84	JA: TX			
8431321	F-06-081069	4220300000		108		H E BEATTY #1 RRC ID #029458	BETHANY (PETTIT) FIEL	0.0	UNITED GAS PIPELI
-WAGNER & BROWN				RECEIVED:	04/30/84	JA: TX			
8431322	F-08-081073	4243131303		103		MAHAFFEY "B" #3-10	CONGER (PENN)	41.9	TEXAS UTILITIES F
-WALKER OPERATING CORP				RECEIVED:	04/30/84	JA: TX			
8431251	F-10-080916	4217931397		103		O'NEAL #1	PANHANDLE GRAY COUNTY	0.0	CABOT PIPELINE CO
8431252	F-10-080917	4217931417		103		O'NEAL #2	PANHANDLE GRAY COUNTY	0.0	CABOT PIPELINE CO
8431253	F-10-080918	4217931460		103		O'NEAL #3	PANHANDLE GRAY COUNTY	0.0	CABOT PIPELINE CO
-WILLIAM MOSS PROPERTIES INC				RECEIVED:	04/30/84	JA: TX			
8431351	F-08-081154	4238931432		103		REEVES FEE #1	TUNSTILL	18.3	PHILLIPS PETROLEU
8431350	F-08-081153	4238931454		103		REEVES FEE #2	TUNSTILL	11.0	PHILLIPS PETROLEU
-WILLIAMS OIL CO				RECEIVED:	04/30/84	JA: TX			
8431367	F-08-081188	4249531645		103		MCCUTCHEN #2	KEYSTONE (COLBY)	20.0	CABOT PIPELINE CO
-WINN EXPLORATION/DULCE CO				RECEIVED:	04/30/84	JA: TX			
8431278	F-01-080977	4250731786		102-4		PRYOR RANCH NO 102	WINN-DULCE	0.0	NORTHERN NATURAL
8431396	F-10-081275	4250731916		102-4		PRYOR RANCH NO 198	WINN-DULCE	0.0	DOS ARCOS CORP
8431353	F-01-081165	4250731911		102-4		PRYOR RANCH NO 212	WINN-DULCE	0.0	DOS ARCOS CORP

[FR Doc. 84-14292 Filed 5-29-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. 1131]

NGPA Notices of Determination by Jurisdictional Agencies

Issued May 22, 1984.

Note: By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83-50-000, 49 F.R. 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 Street., Room 1000, Washington, D.C. Persons objection 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:

Sect. 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
103: New onshore production well
Sect. 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
Sect. 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Temporary pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1131

ISSUED MAY 22, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-VOTH OIL CO				RECEIVED:	04/27/84	JA: KS			
8431573	K-84-0058	1509521149		108		SOWERS #1	HEDRICK WEST	8.1	KANSAS GAS SUPPLY
LOUISIANA OFFICE OF CONSERVATION									
-A J HODGES INDUSTRIES INC				RECEIVED:	04/27/84	JA: LA			
8431526	84-0350	1701521933		103		FREEDMAN #2 ROD RA SU U	SLIGO	36.0	UNITED GAS PIPE L
-AMOCO PRODUCTION CO				RECEIVED:	04/27/84	JA: LA			
8431493	84-0269	1711321233		103		LOUISIANA FURS INC WELL #22	NORTH FRESHWATER BAYO	1095.0	FLORIDA GAS TRANS
8431546	84-0408	1770520115		103		S/L 861 #15	VERMILION BLOCK 14	3500.0	FLORIDA POWER & L
-COTTON PETROLEUM CORPORATION				RECEIVED:	04/27/84	JA: LA			
8431566	84-0262	1710921982		103		GUIDRY #1 Q RA SU A	BOURG	0.0	COLUMBIA GAS TRAN
-CRYSTAL OIL AND LAND COMPANY				RECEIVED:	04/27/84	JA: LA			
8431524	84-0347	1701521895		103		GREEN "A" #1 PET-RA-SUD	NORTH CARTERVILLE	11.0	ARKANSAS LOUISIAN
8431525	84-0348	1701521659		103		IPCO "D" #1 PET-RA-SUI	NORTH CARTERVILLE	6.9	ARKANSAS LOUISIAN
8431495	84-0339	1701521629		103		PET-RA-SUA OGLEE #2	NORTH CARTERVILLE	10.6	ARKANSAS LOUISIAN
8431494	84-0340	1701521959		103		PET-RA-SUJ ROBERSON #1	NORTH CARTERVILLE	6.6	ARKANSAS LOUISIAN
8431518	84-0341	1701521785		103		WALLACE #1 PET-RA-SUB	NORTH CARTERVILLE	10.2	ARKANSAS LOUISIAN
8431519	84-0342	1701521633		103		WILLIAMETTE "K" #1 PET-RA-SUH	NORTH CARTERVILLE	4.4	ARKANSAS LOUISIAN
8431520	84-0343	1701521888		103		WILLIAMETTE "L" #1 PET-RA-SUC	NORTH CARTERVILLE	6.5	ARKANSAS LOUISIAN
8431521	84-0344	1701521951		103		WILLIAMETTE "N" #1 PET-RA-SUF	NORTH CARTERVILLE	14.7	ARKANSAS LOUISIAN
8431523	84-0346	1701522051		103		WILLIAMETTE "O" #1 PET-RA-SUK	NORTH CARTERVILLE	30.7	ARKANSAS LOUISIAN
8431522	84-0345	1701522052		103		WILLIAMETTE "P" #1 PET-RA-SUM	NORTH CARTERVILLE	16.3	ARKANSAS LOUISIAN
-DEVON ENERGY CORPORATION				RECEIVED:	04/27/84	JA: LA			
8431476	84-0234	1711124030		103		CROW #8	MONROE	12.0	TEXAS GAS TRANSMI
8431477	84-0233	1711124031		103		CROW #9	MONROE	12.0	TEXAS GAS TRANSMI
8431481	84-0242	1711124063		103		F M KALIL #3	MONROE	12.0	TEXAS GAS TRANSMI
8431542	84-0250	1711123922		103		FROST LUMBER INDUSTRIES #32	MONROE	12.0	TEXAS GAS TRANSMI
8431485	84-0246	1711124032		103		FROST LUMBER INDUSTRIES #33	MONROE	12.0	TEXAS GAS TRANSMI
8431478	84-0245	1711124033		103		FROST LUMBER INDUSTRIES #34	MONROE	12.0	TEXAS GAS TRANSMI
8431484	84-0247	1711124034		103		FROST LUMBER INDUSTRIES #35	MONROE	12.0	TEXAS GAS TRANSMI
8431474	84-0236	1711124062		103		J H EDWARDS #3	MONROE	12.0	TEXAS GAS TRANSMI
8431545	84-0256	1711123796		108		J M EDWARDS #6	MONROE	0.0	TEXAS GAS TRANSMI
8431471	84-0240	1711124037		103		J W JORDAN #4	MONROE	12.0	TEXAS GAS TRANSMI
8431475	84-0235	1711124038		103		R D SMITH #2	MONROE	12.0	TEXAS GAS TRANSMI
8431479	84-0244	1711124039		103		TRAYLOR #2	MONROE	12.0	TEXAS GAS TRANSMI
-EXXON CORPORATION				RECEIVED:	04/27/84	JA: LA			
8431527	84-0353	1710922684		103		CONT LAND & FUR CO INC D #17	DEER ISLAND	40.0	UNITED GAS PIPE L
-FRANKS & DUGGAN				RECEIVED:	04/27/84	JA: LA			
8431567	84-0261	1701722297		103		HUNTER COMPANY #3	DIXIE	0.0	VISTA TRANSMISSIO
-GRAHAM EXPLORATION LTD DRILLING PAR				RECEIVED:	04/27/84	JA: LA			
8431569	84-0258	1707523082		103		HERD ET AL #2 CIB OP SUC	STELLA	0.0	
-GULF OIL CORPORATION				RECEIVED:	04/27/84	JA: LA			
8431538	84-0254	1707523189		103		BLD 'D' #18	SOUTH PASS BLOCK 24	90.0	SOUTHERN NATURAL
8431553	84-0399	1709720669		103		KU #52 KZS SU	KROTZ SPRINGS	241.0	MICHIGAN WISCONSI
8431488	84-0274	1705721512		103		S L 1772 #119	TIMBALIER BAY	58.4	TENNESSEE GAS PIP

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8431537	84-0255	1707523182		103		SPB 24 4(PB) SU BLD ST UN 3 #10	SOUTH PASS BLOCK 24	18.0	SOUTHERN NATURAL
8431491	84-0271	1707522635		103		VU 15 J G TIMOLAT 'B' #140	WEST BAY FIELD	550.0	TEXAS EASTERN TRA
-IMC EXPLORATION COMPANY				RECEIVED:	04/27/84	JA: LA			
8431510	84-0427	1711100218		108		GRAYLING LUMBER CO #53	MONROE	5.3	IMC PIPELINE CO I
8431511	84-0428	1706721389		108		KENO A #3	MONROE	2.4	IMC PIPELINE CO I
-JEEMS BAYOU PRODUCTION CORP				RECEIVED:	04/27/84	JA: LA			
8431565	84-0263	1703122220		103		LAFFITTE D #1	RED RIVER-BULL BAYOU	288.0	TEXAS EASTERN TRA
8431516	84-0435	1703121495		102-2		MARSHALL A CALHOUN #1 LAF RA SUQ	RED RIVER-BULL BAYOU	465.0	TEXAS EASTERN TRA
8431541	84-0251	1703122237		103		RACHAL #1	RED RIVER-BULL BAYOU	321.0	TEXAS EASTERN TRA
-KABCO-PENNINGTON				RECEIVED:	04/27/84	JA: LA			
8431570	84-0268	1710720454		103		LOWRY A #1	LOCUST RIDGE	40.0	LOCUST RIDGE GAS
-LANGHAM ENERGY INC				RECEIVED:	04/27/84	JA: LA			
8431490	84-0272	1772620305		103		STATE LEASE 4407 #6 (185457)	BRETON SOUND BLOCK 31	500.0	SOUTHERN NATURAL
-LYONS PETROLEUM INC				RECEIVED:	04/27/84	JA: LA			
8431549	84-0370	1708120554		103		MCKOWEN-BIRD #3 UGR RA SUI	REDOAK LAKE	180.0	LOUISIANA INTRAST
-MARATHON OIL COMPANY				RECEIVED:	04/27/84	JA: LA			
8431572	84-0264	1701725038		103		S L HEROLD #6-7 TP SUM	GREENWOOD-WASKOM	164.3	ARKANSAS LOUISIAN
-MCRAE OIL CORP				RECEIVED:	04/27/84	JA: LA			
8431554	84-0403	1711123955		103		BRIGGS #1 BS RA SUA	BULL CREEK	75.0	LOUISIANA GAS INT
-MELREN OIL & GAS EXPLORATION INC				RECEIVED:	04/27/84	JA: LA			
8431508	84-0423	1706721729		103		CITIES SERVICE A #1 HARRELL SU782	MONROE	0.0	IMC PIPELINE CO I
8431507	84-0413	1707321992		103		CITIES SERVICE A #2	MONROE	0.0	IMC PIPELINE CO I
-MID LOUISIANA GAS COMPANY				RECEIVED:	04/27/84	JA: LA			
8431466	84-0443	1707321604		108		MLGC - GTC #20	MONROE GAS FIELD	15.7	MID LOUISIANA GAS
8431469	84-0441	1711122826		108		MLGC - GTC #25	MONROE GAS FIELD	15.4	MID LOUISIANA GAS
8431467	84-0439	1711122900		108		MLGC FEE GAS #1006	MONROE GAS FIELD	16.9	MID LOUISIANA GAS
8431562	84-0446	1711123116		108		MLGC FEE GAS #1038	MONROE GAS FIELD	17.1	MID LOUISIANA GAS
8431563	84-0447	1711123119		108		MLGC FEE GAS #1041	MONROE GAS FIELD	16.7	MID LOUISIANA GAS
8431515	84-0434	1711123398		108		MLGC FEE GAS #1102	MONROE GAS FIELD	14.0	MID LOUISIANA GAS
8431513	84-0432	1711123649		108		MLGC FEE GAS #1118	MONROE GAS FIELD	14.4	MID LOUISIANA GAS
8431564	84-0448	1711123651		108		MLGC FEE GAS #1120	MONROE GAS FIELD	18.8	MID LOUISIANA GAS
8431503	84-0458	1711123652		108		MLGC FEE GAS #1123	MONROE GAS FIELD	18.7	MID LOUISIANA GAS
8431501	84-0456	1711123654		108		MLGC FEE GAS #1125	MONROE GAS FIELD	18.1	MID LOUISIANA GAS
8431465	84-0444	1711123745		108		MLGC FEE GAS #1163	MONROE GAS FIELD	16.1	MID LOUISIANA GAS
8431505	84-0437	1711123836		108		MLGC FEE GAS #1189	MONROE GAS FIELD	15.0	MID LOUISIANA GAS
8431480	84-0243	1711124022		103		MLGC FEE GAS #1214	MONROE GAS FIELD	7.2	MID LOUISIANA GAS
8431482	84-0241	1711124023		103		MLGC FEE GAS #1215	MONROE GAS FIELD	7.2	MID LOUISIANA GAS
8431473	84-0237	1711123986		103		MLGC FEE GAS #1219	MONROE GAS FIELD	7.2	MID LOUISIANA GAS
8431472	84-0238	1711123992		103		MLGC FEE GAS #1228	MONROE GAS FIELD	19.8	MID LOUISIANA GAS
8431552	84-0430	1711124118		103		MLGC FEE GAS #1251	MONROE GAS FIELD	25.2	MID LOUISIANA GAS
8431517	84-0436	1711124120		103		MLGC FEE GAS #1253	MONROE GAS FIELD	23.4	MID LOUISIANA GAS
8431514	84-0433	1711124158		103		MLGC FEE GAS #1258	MONROE GAS FIELD	25.2	MID LOUISIANA GAS
8431535	84-0450	1711124179		103		MLGC FEE GAS #1265	MONROE GAS FIELD	22.3	MID LOUISIANA GAS
— 8431502	84-0457	1711101275		108		MLGC FEE GAS #525	MONROE GAS FIELD	14.1	MID LOUISIANA GAS
8431512	84-0431	1711121625		108		MLGC FEE GAS #743	MONROE GAS FIELD	20.1	MID LOUISIANA GAS
8431506	84-0438	1711121963		108		MLGC FEE GAS #833	MONROE GAS FIELD	18.5	MID LOUISIANA GAS
8431470	84-0442	1711122058		108		MLGC FEE GAS #860	MONROE GAS FIELD	19.5	MID LOUISIANA GAS
8431504	84-0459	1711122827		108		MLGC-GTC #27	MONROE GAS FIELD	19.4	MID LOUISIANA GAS
-NELSON OIL & GAS INC				RECEIVED:	04/27/84	JA: LA			
8431558	84-0365	1711920400		103		WORSHAM #1 M HOSS SUA	SIBLEY	275.0	UNITED GAS PIPE L
-PRIMOS PRODUCTION CO				RECEIVED:	04/27/84	JA: LA			
— 8431509	84-0426	1711123770		108		MO PAC RR CO #43	MONROE	16.5	
-RANGER INC				RECEIVED:	04/27/84	JA: LA			
8431543	84-0249	1707720269		103		ST ROMAIN #1 - 176572	KENMORE	255.0	
-RELCO EXPLORATION CO INC				RECEIVED:	04/27/84	JA: LA			
8431489	84-0273	1707322002		103		ARENT D-1	MONROE GAS	1.8	IMC PIPELINE CO I
8431492	84-0270	1707322003		103		FEE #3	MONROE GAS FIELD	2.7	IMC PIPELINE CO I
-SCOGIN EXPLORATION INC				RECEIVED:	04/27/84	JA: LA			
8431571	84-0265	1701725413		103		ELLERBE #3	SHREVEPORT	170.0	UNITED GAS PIPELI
-SHELL OFFSHORE INC				RECEIVED:	04/27/84	JA: LA			
8431547	84-0412	1772500387		103		SL 1353 #50 MPB 02 RA SU	MAIN PASS BLOCK 69 FI	4.2	TENNESSEE GAS PIP
-SUPERIOR OIL CO				RECEIVED:	04/27/84	JA: LA			
8431550	84-0372	1711321287		103		S L 3051 #42	LAC BLANC FIELD	250.0	TENNESSEE GAS P/L
-TENNECO OIL COMPANY				RECEIVED:	04/27/84	JA: LA			
8431551	84-0429	1705722104		102-2		TENNECO FEE "R" #9	GRANDBOIS	920.0	
-TERRONNE PETROLEUM CORP				RECEIVED:	04/27/84	JA: LA			
8431540	84-0252	1711124121		103		NAVARRO GRAYLING N #3 S/N 187595	MONROE	360.0	IMC EXPLORATION C
8431539	84-0253	1711124122		103		NAVARRO GRAYLING N #4 S/N 187596	MONROE	360.0	IMC EXPLORATION C
8431544	84-0257	1711124052		103		OLINKRAFT #1 S/N 186929	MONROE	14.4	IMC EXPLORATION C
-TEXACO INC				RECEIVED:	04/27/84	JA: LA			
8431486	84-0401	1705120631		103		LL&E LAFITTE #186	LAFITTE	158.0	KAISER ALUMINUM &
8431568	84-0259	1710922187		103		LP U13 #74 VUM	LAKE PELTO	355.0	KAISER ALUMINUM &
8431528	84-0354	1770720077		103		SL 340 MOUND POINT #54	MOUND POINT	1695.0	NATURAL GAS PIPEL
-TIPCO				RECEIVED:	04/27/84	JA: LA			
8431548	84-0368	1772720199		103		STATE LEASE 2220 #59	ELOI BAY	42.0	SOUTHERN NATURAL
8431559	84-0367	1772720199		103		STATE LEASE 2220 #59-D	ELOI BAY	36.0	SOUTHERN NATURAL
8431529	84-0355	1772720200		103		STATE LEASE 2220 #60	ELOI BAY	65.0	SOUTHERN NATURAL
8431530	84-0356	1772720200		103		STATE LEASE 2220 #60-D	ELOI BAY	51.0	SOUTHERN NATURAL
8431532	84-0360	1772720201		103		STATE LEASE 2220 #61	ELOI BAY	42.0	SOUTHERN NATURAL
8431561	84-0359	1772720201		103		STATE LEASE 2220 #61-D	ELOI BAY	26.0	SOUTHERN NATURAL
8431560	84-0358	1772700000		103		STATE LEASE 2220 #63	ELOI BAY	87.0	SOUTHERN NATURAL
8431531	84-0357	1772720210		103		STATE LEASE 2220 #64	ELOI BAY	0.0	SOUTHERN NATURAL
8431555	84-0362	1772720217		103		STATE LEASE 2220 #66	ELOI BAY	55.0	SOUTHERN NATURAL
8431533	84-0361	1772720217		103		STATE LEASE 2220 #66-D	ELOI BAY	28.0	SOUTHERN NATURAL
8431557	84-0364	1772720143		103		STATE LEASE 2221 #40	ELOI BAY	55.0	SOUTHERN NATURAL
8431556	84-0363	1772720214		103		STATE LEASE 2221 #41	ELOI BAY	58.0	SOUTHERN NATURAL
-TNT TRIBAL-LUFFEY				RECEIVED:	04/27/84	JA: LA			
8431536	84-0451	1706720302		108		NAVARRO MILES #2	MONROE GAS FIELD	1.3	IMC PIPELINE CO I
8431500	84-0455	1706720303		108		NAVARRO MILES #3	MONROE GAS FIELD	1.3	IMC PIPELINE CO I
8431499	84-0454	1706720307		108		NAVARRO MILES #4	MONROE GAS FIELD	1.3	IMC PIPELINE CO I
8431498	84-0453	1706720304		108		NAVARRO MILES #5	MONROE GAS FIELD	1.3	IMC PIPELINE CO I
8431497	84-0452	1706720305		108		NAVARRO MILES #7	MONROE GAS FIELD	2.6	IMC PIPELINE CO I
8431534	84-0449	1706720306		108		NAVARRO MILES #8	MONROE GAS FIELD	2.6	IMC PIPELINE CO I
8431468	84-0440	1706720308		108		NAVARRO MILES #9	MONROE GAS FIELD	0.9	IMC PIPELINE CO I
-TXO PRODUCTION CORP				RECEIVED:	04/27/84	JA: LA			
— 8431483	84-0248	1708120543		103		POSEY #1	RED RIVER BULL BAYOU	160.6	RELMM CORP
8431487	84-0275	1706120364		103		RIVES #1	HICO KNOWLES	18.3	DELHI GAS PIPELIN
-VIKING RESOURCES (LA)				RECEIVED:	04/27/84	JA: LA			
8431496	84-0276	1707321986		103		VUA ELMORE-VICK #1	MONROE	0.0	PRIMOS PRODUCTION
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NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
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-BEREA OIL AND GAS CORPORATION				RECEIVED:	04/27/84	JA: NY			
— 8431579	7343	3101318930		107-TF		MARUCCI UNIT #1	WILDCAT	12.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-LENAPE RESOURCES CORP				RECEIVED:	04/27/84	JA: NY			
8431576	5686	3112113993		108		C STEDMAN JR #2 LRC #50	DANLEY CORNERS	17.1	ELIZABETHTOWN GAS
8431577	5637	3105117304		108		D D ROGERS #1 LRC #94	CALEDONIA	17.9	ELIZABETHTOWN GAS
8431583	7350	3112117612		108		D H SHEARING #1 LRC #134	LEICESTER	7.0	ELIZABETHTOWN GAS
8431578	5616	3105117380		108		F E ANDERSON UNIT #1 LRC #170	CALEDONIA	13.7	ELIZABETHTOWN GAS
8431574	5706	3112114165		108		G ZIELINSKI UNIT #1 LRC #39	WILDCAT	9.6	ELIZABETHTOWN GAS
8431575	5638	3105114170		108		J J WADSWORTH ET AL #3 LRC #32	FINNEGAN HILL	14.9	ELIZABETHTOWN GAS
8431581	7345	3105116144		108		J S REED UNIT #1 LRC #81	CALEDONIA	4.6	ELIZABETHTOWN GAS
8431580	7344	3112113962		108		R L HALMA #1 LRC #18	LEICESTER	4.7	ELIZABETHTOWN GAS
8431584	7348	3112117047		108		R L HALMA #3 LRC #107	PERRY	4.6	ELIZABETHTOWN GAS
8431585	7347	3105117307		108		S R POWELL UNIT #1 LRC #102	WILDCAT	6.5	ELIZABETHTOWN GAS
8431582	7352	3105117371		108		S R POWELL UNIT #2 LRC #157	CALEDONIA	6.2	ELIZABETHTOWN GAS
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VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
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-ASHLAND EXPLORATION INC				RECEIVED:	04/27/84	JA: VA			
8431461		4502700213		108-SA		LON B ROGERS #20 - 050540	VIRGINIA	17.0	CONSOLIDATED GAS
8431463		4502719940		108-SA		W H MATNEY #3 - 020690	VIRGINIA	14.0	CONSOLIDATED GAS
-EARLY GROVE GAS CO				RECEIVED:	04/27/84	JA: VA			
8431462		4519120645		102-2		D W DORTON #1	EARLY GROVE FIELD	0.0	
8431464		4519120634		102-2		LARKIN DEEL #1	EARLY GROVE	20.0	EAST TENNESSEE NA
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** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ROSWELL, NM									
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-COASTAL OIL & GAS CORP				RECEIVED:	04/27/84	JA: NM L			
8431450	RNM 0073-84	3002528238		103		FEDERAL "20" 5	BAUM (UPPER PENN)	8.0	WARREN PETROLEUM
-CONOCO INC				RECEIVED:	04/27/84	JA: NM L			
8431456	RNM 000484PB	3002506796		108-PB		LOCKHART A-27 #12	TUBB GAS	0.0	EL PASO NATURAL G
8431451	RNM 000384PB	3002510731		108-PB		STEVENS B-15 #2	JALMAT YATES GAS	0.0	EL PASO NATURAL G
-EL PASO EXPLORATION CO				RECEIVED:	04/27/84	JA: NM L			
8431453	RNM 0034-84	3002528496		103		ELLIOTT FEDERAL #5	RHODES YATES SEVERN R	6.7	
-EL PASO EXPLORATION CO				RECEIVED:	04/30/84	JA: NM L			
8431460	RNM 0153-84	3001524712		103		BRUSHY FEDERAL #1	BRUSHY DRAW DELAWARE	150.0	
-EL PASO NATURAL GAS COMPANY				RECEIVED:	04/27/84	JA: NM L			
8431457	RNM 000584PB	3002524554		108-PB		RHODES STORAGE UNIT #7 WDRL	YATES-7 RIVER GAS	0.0	EL PASO NATURAL G
8431458	RNM 000184PB	3002524554		108-PB		RHODES STORAGE UNIT #7 WDRL	YATES 7 RIVER GAS	0.0	EL PASO NATURAL G
-FLAG-REDFERN OIL CO				RECEIVED:	04/27/84	JA: NM L			
8431448	RNM 0374-83	3000562011		103		US FEDERAL "6" #1	PECOS SLOPE ABO (GAS)	150.0	TRANSWESTERN PIPE
-SOUTHLAND ROYALTY CO				RECEIVED:	04/27/84	JA: NM L			
8431449	RNM 000284PB	3001523241		108-PB		CITGO 5 FEDERAL COM #1	N BURTON FLAT STRAWN	0.0	EL PASO NATURAL G
8431459	RNM 000684PB	3001523565		108-PB		EMPIRE FEDERAL "21" COM #1	STRAWN	0.0	TRANSWESTERN PIPE
-YATES PETROLEUM CORPORATION				RECEIVED:	04/27/84	JA: NM L			
8431452	RNM 0155-84	3000520937		103		CENTER "XI" FED #3	UND TOMAHAWK S/A	0.0	
8431455	RNM 0078-84	3001524676		103		FEDERAL "CD" #9	EAGLE CREEK S/A	0.0	TRANSWESTERN PIPE
8431454	RNM 0378-83	3001524600		103		NORTHWESTERN SHORES "XR" FED #1	UNDES MORROW	0.0	
8431447	RNM 0156-84	3000520925		103		SUN "UW" FED #3	CHAVEROO SAN ANDRES	0.0	
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** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, SALT LAKE CITY, UT									
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-BELCO DEVELOPMENT CORP				RECEIVED:	04/27/84	JA: UT P			
8431445	139-83	4304731263		103	107-TF	NORTH DUCK CREEK 61-29	NBU-WASATCH	0.0	NORTHWEST PIPELIN
-COASTAL OIL & GAS CORP				RECEIVED:	04/27/84	JA: UT P			
8431446	148-83	4304730577		108		NBU 70-34B	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
-DIAMOND CHEMICALS CO				RECEIVED:	04/27/84	JA: UT P			
8431443	135-83	4301330558		103		ALLEN FEDERAL 23-6	MONUMENT BUTTE	0.0	
8431440	132-83	4301330559		103		ALLEN FEDERAL 32-6	MONUMENT BUTTE	0.0	
8431442	134-83	4301330721		103		ALLEN FEDERAL 34-5	MONUMENT BUTTE	0.0	
8431430	122-83	4301330583		103		ALLEN FEDERAL 43-6	MONUMENT BUTTE	0.0	
8431437	129-83	4301330664		103		CASTLE PEAK FEDERAL 11-15	MONUMENT BUTTE	0.0	
8431438	130-83	4301330634		103		CASTLE PEAK FEDERAL 22-15	MONUMENT BUTTE	0.0	
8431439	131-83	4301330665		103		CASTLE PEAK FEDERAL 24-10A	MONUMENT BUTTE	0.0	
8431441	133-83	4301330631		103		CASTLE PEAK FEDERAL 24-15	MONUMENT BUTTE	0.0	
8431436	128-83	4301315791		103		GOATES FEDERAL #3	MONUMENT BUTTE	0.0	
8431435	127-83	4301330666		103		MOCON FEDERAL #44-7	MONUMENT BUTTE	0.0	
8431433	125-83	4301330516		103		PAIUTE FEDERAL #11-17	MONUMENT BUTTE	0.0	
8431434	126-83	4301330671		103		PAIUTE FEDERAL #14-4	MONUMENT BUTTE	0.0	
8431431	123-83	4301330675		103		PAIUTE FEDERAL #24-8	MONUMENT BUTTE	0.0	
8431432	124-83	4301330674		103		PAIUTE FEDERAL #32-4	MONUMENT BUTTE	0.0	
8431444	137-83	4301330778		103		PAIUTE FEDERAL #34-8	MONUMENT BUTTE	0.0	

[FR Doc. 84-14293 Filed 5-29-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. 1132]

NGPA Notices of Determination by Jurisdictional Agencies

Issued May 22, 1984.

Note.—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83–50–000, 49 F.R. 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 section are indicated by the following codes:

Sect. 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
103: New onshore production well

Sect. 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

Sect. 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Temporary pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1132
ISSUED MAY 22, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-GULF OIL CORPORATION				RECEIVED: 05/01/84		JA: LA			
8431658	83-1549	1707522558		102-4		QUARANTINE BAY SL 195 QQ #300	QUARANTINE BAY	700.0	UNITED GAS PIPE L
8431675	83-0207	1707522355		102-4		S L 195 QQ WELL #280	QUARANTINE BAY FIELD	124.1	UNITED GAS PIPELI
8431671	83-1079	1707523098		102-4		S/L 195 'QQ' #335	QUARANTINE BAY FIELD	18.0	UNITED GAS PIPELI
-HUFFCO PETROLEUM CORP				RECEIVED: 05/01/84		JA: LA			
8431672	83-0894	1700700000		107-DP		S L 10044 #1	LAKE VERRET	2129.0	SEAGULL LOUISIANA
-IMC EXPLORATION COMPANY				RECEIVED: 05/01/84		JA: LA			
8431666	83-1678	1711123909		103	108	K D LANKFORD #7	MONROE	14.0	IMC PIPELINE CO I
-PENNZOIL PRODUCING COMPANY				RECEIVED: 05/01/84		JA: LA			
8431674	83-0714	1701500000		108		MURFF - SKANNAL 1 1-D	SLIGO	11.0	UNITED GAS PIPE L
-PRIMOS PRODUCTION CO				RECEIVED: 05/01/84		JA: LA			
8431665	83-1674	1711124155		103		MO PAC RR CO #49	MONROE	10.2	PRIMOS PRODUCTION
8431664	83-1672	1706721744		103		TENSAS DELTA E #27	MONROE GAS	6.2	UNITED GAS PIPE L
8431660	83-1668	1706721745		103		TENSAS DELTA E #28	MONROE GAS	10.3	UNITED GAS PIPE L
8431662	83-1670	1706721746		103		TENSAS DELTA E #29	MONROE GAS	11.3	UNITED GAS PIPE L
8431663	83-1671	1706721747		103		TENSAS DELTA E #30	MONROE GAS	7.2	UNITED GAS PIPE L
8431661	83-1669	1706721748		103		TENSAS DELTA E #31	MONROE GAS	8.2	UNITED GAS PIPE L
8431669	83-1689	1706721749		103		TENSAS DELTA E #32	MONROE GAS	8.2	UNITED GAS PIPE L
8431670	83-1690	1706721750		103		TENSAS DELTA E #33	MONROE GAS	10.3	UNITED GAS PIPE L
8431659	83-1667	1706721751		103		TENSAS DELTA E #34	MONROE GAS	8.2	UNITED GAS PIPE L
8431667	83-1687	1706721769		103		TENSAS DELTA E #51	MONROE GAS	9.2	UNITED GAS PIPE L
8431668	83-1688	1706721770		103		TENSAS DELTA E #52	MONROE GAS	10.3	UNITED GAS PIPE L
-TEXAS GENERAL PETROLEUM CORP				RECEIVED: 05/01/84		JA: LA			
8431673	83-0715	1701521532		102-4		GIBSON #1 - S/N 170977 CVRA SU117	ELM GROVE	150.0	TEXAS EASTERN TRA
NORTH DAKOTA INDUSTRIAL COMMISSION									
-MONSANTO COMPANY				RECEIVED: 05/02/84		JA: ND			
8431761	921	3308900293		103		ELAINE #1	BELL	48.0	WILLISTON GAS CO
-NATIONAL OIL COMPANY				RECEIVED: 05/02/84		JA: ND			
8431759	919	3305300000		102-2		SOVIG #44-31	SPRING CREEK	365.0	PHILLIPS PETROLEU
-SUN EXPLORATION & PRODUCTION CO				RECEIVED: 05/02/84		JA: ND			
8431760	920	3305301644		102-2		ERICKSON "A" #1	ELK	0.0	PHILLIPS PETROLEU
8431758	918	3305301689		102-2		L POPINEAU - USA #1	ELK	0.0	
OHIO DEPARTMENT OF NATURAL RESOURCES									
-A & R COMPANY				RECEIVED: 05/01/84		JA: OH			
8431586		3416723914		108		DEAN ABICHT #1 OH-03-1101	NEWPORT	3.6	COLUMBIA GAS TRAN
8431587		3416924100		108		HAZEL HOFF #1 OH-05-1301	NEWPORT	4.3	COLUMBIA GAS TRAN
-A W E INC				RECEIVED: 05/01/84		JA: OH			
8431592		3415521847		103	107-TF	ARMINTROUT #1	BAZETTA	36.5	
8431593		3415521850		103	107-TF	HYDE #1	BAZETTA	36.5	
8431595		3415521852		103	107-TF	KRANTZ #1	BAZETTA	36.5	
8431591		3415521518		103	107-TF	LANEY #1	BAZETTA	36.5	
8431596		3415522225		103	107-TF	NIEMI #3	BAZETTA	36.5	

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8431589		3415521501		103	107-TF	NUSKIEVICZ #1	BAZETTA	36.5	
8431590		3415521502		103	107-TF	SNYDER #1	BAZETTA	36.5	
8431594		3415521851		103	107-TF	TROUT #1	BAZETTA	36.5	
8431588		3415521016		103	107-TF	YOUNT #2	BAZETTA	36.5	
-ALLEGHENY PRODUCERS INC				RECEIVED:	05/01/84	JA: OH			
8431597		3411926531		103		HARKNESS #1	HOPEWELL	30.0	NATIONAL GAS & OI
-AMTEX OIL AND GAS INC				RECEIVED:	05/01/84	JA: OH			
8431599		3408124460		103		GORBY-PERKINS #1	SALEM	15.0	COLUMBIA GAS TRAN
8431598		3406726510		103		GRAHAM-YOUNG #1	GERMAN	15.0	COLUMBIA GAS TRAN
-ATLAS ENERGY GROUP INC				RECEIVED:	05/01/84	JA: OH			
8431600		3415522274		103	107-TF	KNIGHT UNIT #1	BAZETTA	0.0	COLUMBIA GAS TRAN
-BAKERWELL INC				RECEIVED:	05/01/84	JA: OH			
8431601		3407524253		103		BRIGLEB #3	MONROE	26.3	OHIO GAS MARKETIN
-BARTLO OIL AND GAS COMPANY				RECEIVED:	05/01/84	JA: OH			
8431602		3415721551		108		WIDDER-GETCHEY UNIT #1		0.0	EAST OHIO GAS CO
-BATES OIL & GAS INC				RECEIVED:	05/01/84	JA: OH			
8431603		3408322691	D	108		BERMAN FLESHMAN #1		0.7	COLUMBIA GAS TRAN
-CARTER RESOURCES				RECEIVED:	05/01/84	JA: OH			
8431605		3406720315		108		D E KIMMEL #1	RUMLEY	4.6	
8431606		3406720324		108		J F ANTHONY #1	NORTH	0.5	
8431607		3406720326		108		J SNYDER #1	NORTH	3.7	
8431608		3406720335		108		R BOWER #1	NORTH	4.6	
8431604		3406720313		108		R HUGH #1	NORTH	5.4	
-CHARLES R CUTTER				RECEIVED:	05/01/84	JA: OH			
8431609		3416923547		103	107-TF	MCFADDEN-FRANKS #1	MCFADDEN-FRANKS	20.0	COLUMBIA GAS TRAN
-CHRISTMAN DALE L				RECEIVED:	05/01/84	JA: OH			
8431614		3411121722		107-DV		REISCHMAN #1	MALAGA	5.0	
-CLARENCE K TUSSEL JR				RECEIVED:	05/01/84	JA: OH			
8431610		3400722495		103	107-TF	C MCCOY #1	MONROE	30.0	
-CLINTON OIL CO				RECEIVED:	05/01/84	JA: OH			
8431650		3413323184		107-TF		COLUMBIAN CORP UNIT #1-790	MANTUA	10.0	
8431646		3405520707		107-TF		GREEN UNIT #1-885	BAINBRIDGE	10.0	
8431648		3408924348		108		J LANG #1-654		10.0	NATIONAL GAS & OI
8431647		3405520716		107-TF		M SIMON #2-863	MONTVILLE	10.0	
8431611		3403124484		108		M W C D #3-543		10.0	COLUMBIA GAS TRAN
8431645		3400722382		107-TF		TSAI #2-643	HARPERSFIELD	10.0	
8431649		3411925928		107-TF		WILLIAM BEE #2-649	FALLS	10.0	
-CONSTITUTION PETROLEUM CO INC				RECEIVED:	05/01/84	JA: OH			
8431612		3405921002		108		GLADYS MCMURRAY #1	CAMBRIDGE	0.0	EAST OHIO GAS CO
-D & C OIL COMPANY				RECEIVED:	05/01/84	JA: OH			
8431613		3408120444		103		SAM DAVIS UNIT #1	SALEM	12.0	COLUMBIA GAS TRAN
-DERBY OIL & GAS CORP				RECEIVED:	05/01/84	JA: OH			
8431615		3416923644		103	107-TF	HAROLD YODER #1	WOOSTER	12.0	R S C ENERGY CORP
-EVERFLOW EASTERN INC				RECEIVED:	05/01/84	JA: OH			
8431616		3400722310		103	107-TF	MOGREN #2	AUSTINBURG	0.0	
-FREDERICK PETROLEUM CORP				RECEIVED:	05/01/84	JA: OH			
8431631		3411122771		107-DV		GIARAMITA #6	FRANKLIN	0.2	
-GENERAL ELECTRIC CO				RECEIVED:	05/01/84	JA: OH			
8431632		3400722592		103	107-TF	MCELROY #7	ORWELL	20.0	EAST OHIO GAS CO
-GREENHOUSE LTD #12/DOMESTIC O & G				RECEIVED:	05/01/84	JA: OH			
8431633		3407524241		103		J MORRIS #2	RICHLAND	30.0	COLUMBIA GAS TRAN
-HYDROCARBON RESOURCES INC				RECEIVED:	05/01/84	JA: OH			
8431634		3410323654		107-TF		LEIBY #8	GRANGER	10.0	EAST OHIO GAS CO
-J D DRILLING CO				RECEIVED:	05/01/84	JA: OH			
8431635		3410522773		107-DV		PAUL S SAYRE #1	LELART	6.0	COLUMBIA GAS TRAN
-LESLIE OIL & GAS CO INC				RECEIVED:	05/01/84	JA: OH			
8431636		3410323608		103		DIEDERICH/SKRANT UNIT #1	SPENCER	20.0	COLUMBIA GAS TRAN
-LEW BATES JR				RECEIVED:	05/01/84	JA: OH			
8431638		3408322958	D	108		C EDWARD WHITE #3		0.9	COLUMBIA GAS TRAN
8431637		3408322728	D	108		ED & ROY FRAZEE - BRUCE MOLLISON #1		1.2	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED:	05/01/84	JA: OH			
8431639		3405526260		103	107-TF	G STROHM #1	CLARIDON	24.0	
8431640		3412123006		103	107-TF	R COMBS #2	SHARON	24.0	
-LUDCO INC				RECEIVED:	05/01/84	JA: OH			
8431641		3407322871		107-TF		MARTIN #1 34-073-2-2871 14	WASHINGTON	44.0	OHIO OIL GATHERIN
-MILLER OIL & GAS CO				RECEIVED:	05/01/84	JA: OH			
8431642		3415321670		107-TF		WAPPNER #1	BATH	10.0	EAST OHIO GAS CO
-NORTHEASTERN ENERGY				RECEIVED:	05/01/84	JA: OH			
8431643		3410323563		103	107-TF	KOONTZ WELL #3	WADSWORTH	20.0	EAST OHIO GAS CO
-OXFORD OIL CO				RECEIVED:	05/01/84	JA: OH			
8431651		3412726203		103		WILFORD GREATHOUSE #5	THORN	10.0	
-RED HILL DEVELOPMENT				RECEIVED:	05/01/84	JA: OH			
8431621		3406720612		103	107-TF	B DAVIDSON #1	MOOREFIELD	4.0	
8431625		3406720624		103	107-TF	CLEVELAND B S A #3	NOTTINGHAM	4.0	
8431626		3406720626		103	107-TF	CLEVELAND B S A #4	NOTTINGHAM	5.0	
8431618		3405923491		103	107-TF	D WAYBLE #2	WASHINGTON	4.0	
8431630		3415723892		103	107-TF	DALE MILLER #8	BUCKS	28.0	
8431629		3406720646		103	107-TF	DEFREEST #1	STOCK	5.0	
8431623		3406720615		103	107-TF	J KNIGHT #1	NOTTINGHAM	11.0	
8431627		3406720629		103	107-TF	J MITCHELL #1	NOTTINGHAM	5.0	
8431617		3405923334		103	107-TF	L WAYBLE #1	LONDONDERRY	17.0	
8431620		3406720611		103	107-TF	M MALLARNEE #1	NOTTINGHAM	5.0	
8431619		3406720589		103	107-TF	OLSON-DUBETZ #1	NOTTINGHAM	4.0	
8431622		3406720614		103	107-TF	OUR LAND CO #3	MONROE	5.0	
8431624		3406720621		103	107-TF	R MURRAY #1	FREEPORT	5.0	
8431628		3406720631		103	107-TF	Y BUSBY #1	NOTTINGHAM	4.0	
-SWINGLE DRILLING INC				RECEIVED:	05/01/84	JA: OH			
8431644		3412726176		103	107-TF	UNDERWOOD UNIT #2	CROOKSVILLE	8.0	
-TITAN ENERGY CORP				RECEIVED:	05/01/84	JA: OH			
8431652		3407322384		103		CHARLES CHRISTMAN #3	FALLS	10.0	HOCKING GAS CO
-VALENTINE OIL PROPERTIES				RECEIVED:	05/01/84	JA: OH			
8431654		3416727585		107-DV		STALNAKER #1	GRANDVIEW	25.0	
8431653		3416727553		107-DV		STALNAKER #2	GRANDVIEW	35.0	
-VICTOR MCKENZIE				RECEIVED:	05/01/84	JA: OH			
8431656		3412726209		103		CLARK UNIT #1	THORN	8.0	
8431655		3412726181		103		ROSS WINEGARDNER #1	THORN	60.0	COLUMBIA GAS TRAN
-WALLICK PETROLEUM CO				RECEIVED:	05/01/84	JA: OH			
8431657		3411523280		103	107-TF	KNODERER TRUST #1	HOMER	10.0	OHIO OIL GATHERIN
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PENNSYLVANIA DEPARIMENT OF ENVIRONMENTAL RESOURCES									
**********									
-ATLAS RESOURCES INC				RECEIVED:	05/03/84	JA: PA			
8431676	20636	3706325789		108		MOORE #1	MONTGOMERY	21.0	COLUMBIA GAS TRAN
8431677	20639	3706326687		108		SCHROTH-KRAYNAK #2-C	MONTGOMERY	20.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8431678	22861	3785202710		107-TF		SEMBER #2	S PYMATUNING	328.0	COLUMBIA GAS TRAN
CEREA OIL AND GAS CORPORATION				RECEIVED:	05/03/84	JA: PA			
8431679	21747	3712333238		102-3		E YOUNG #3	WILDCAT	12.0	COLUMBIA GAS TRAN
8431684	21748	3712333238		107-TF		E YOUNG #3	WILDCAT	12.0	COLUMBIA GAS TRAN
8431680	21749	3712333237		102-3		O SMITH #2	WILDCAT	13.0	COLUMBIA GAS TRAN
8431685	21750	3712333237		107-TF		O SMITH #2	WILDCAT	13.0	COLUMBIA GAS TRAN
8431682	22120	3712333235		102-3		TUBBS UNIT #1	WILDCAT	14.0	COLUMBIA GAS TRAN
8431687	22121	3712333235		107-TF		TUBBS UNIT #1	WILDCAT	14.0	COLUMBIA GAS TRAN
8431683	22194	3712333234		102-2		V ROBERTSON UNIT #1	WILDCAT	15.0	
8431688	22195	3712333234		107-TF		V ROBERTSON UNIT #1	WILDCAT	15.0	
8431681	22118	3712333361		102-2		W MCCHESNEY #4	WILDCAT	15.0	
8431686	22119	3712333361		107-TF		W MCCHESNEY #4	WILDCAT	15.0	
-BITTINGER DRILLING CO				RECEIVED:	05/03/84	JA: PA			
8431689	20535	3712922075		108		DAVID FINK #2	LOWER BURRELL	0.0	APOLLO GAS CO
8431690	22738	3712922281		103		DAVID R FINK #3	LOWER BURRELL	7.0	APOLLO GAS CO
-CASTLE GAS CO INC				RECEIVED:	05/03/84	JA: PA			
8431701	22881	3706325515		108		F KOLB #3 (C-282) IND-25515	YOUNG TWP	40.0	COLUMBIA GAS TRAN
8431702	22882	3706325514		108		F KOLB #4 (C-283) IND-25514	YOUNG TOWNSHIP	40.0	COLUMBIA GAS TRAN
8431703	22883	3706325516		108		F KOLB #5 (C-284) IND-25516	YOUNG TOWNSHIP	40.0	COLUMBIA GAS TRAN
8431704	22884	3706326689		108		R S HENRY #4 (C-750) IND-26689	YOUNG TOWNSHIP	40.0	COLUMBIA GAS TRAN
-CNG DEVELOPMENT CO				RECEIVED:	05/03/84	JA: PA			
8431691	22862	3703321694		102-3		HARL T WORK #1 CNGD #283	BURNSIDE	8.0	
8431692	22864	3702120239		102-3		WILLIAM BUTERBAUGH #6 CNGD #403	SUSQUEHANNA	7.0	
8431693	22865	3702120240		102-3		WILLIAM BUTERBAUGH #7 CNGD #404	SUSQUEHANNA	36.0	
8431700	22682	3702120236		103		WILLIAM BUTERBAUGH CNGD #400	SUSQUEHANNA	10.0	
-D'APPOLONIA PETROLEUM INC				RECEIVED:	05/03/84	JA: PA			
8431705	22866	3702120199		103		JOHN NIEMIEC JR #1	SUSQUEHANNA	50.0	YORKTOWNE PAPER M
-DELTA 80 S T JOINT VENTURE				RECEIVED:	05/03/84	JA: PA			
8431707	20680	3706325548		108		MARCOLINE-MYERS #1	GREEN	25.0	COLUMBIA GAS TRAN
8431706	20675	3706326176		108		MARCOLINE-MYERS #3	GREEN	25.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED:	05/03/84	JA: PA			
8431708	22858	3706323942		108		CHARLES SMELTZER #1 KL-16	UPPER DEVONIAN SANDS	25.0	INDUSTRIAL GAS SA
8431709	22859	3700522144		108		W M HILL #1 KL-52	UPPER DEVONIAN SANDS	25.0	PEOPLES NATURAL G
-ENERGY PRODUCTION CO				RECEIVED:	05/03/84	JA: PA			
8431710	22668	3706327660		103		M B STEPHENS 3-A	DILLTOWN	20.0	T W PHILLIPS GAS
-FAIRMAN DRILLING CO				RECEIVED:	05/03/84	JA: PA			
8431711	22924	3706300000		108		JOHN E GASTON #1 F-3199	JUNEAU	9.0	CONSOLIDATED GAS
8431712	22925	3706326328		108		JOHN E GASTON #2 F-3200	JUNEAU	9.0	CONSOLIDATED GAS
-LAKESIDE ENERGY INC				RECEIVED:	05/03/84	JA: PA			
8431717	22477	3703922059		103		JAMES VAN METER #1	CUSSEWAGO	15.3	COLUMBIA GAS TRAN
8431722	22478	3703922059		107-TF		JAMES VAN METER #1	CUSSEWAGO	15.3	COLUMBIA GAS TRAN
8431715	22473	3703922060		103		JAMES VAN METER #2	CUSSEWAGO	13.5	COLUMBIA GAS TRAN
8431720	22474	3703922060		107-TF		JAMES VAN METER #2	CUSSEWAGO	13.5	COLUMBIA GAS TRAN
— 8431716	22475	3703922061		103		JAMES VAN METER #3	CUSSEWAGO	15.3	COLUMBIA GAS TRAN
8431721	22476	3703922061		107-TF		JAMES VAN METER #3	CUSSEWAGO FIELD	15.3	COLUMBIA GAS TRAN
8431713	22469	3703922057		103		MOSES #1	CUSSEWAGO	13.5	COLUMBIA GAS TRAN
8431718	22470	3703922057		107-TF		MOSES #1	CUSSEWAGO	13.5	COLUMBIA GAS TRAN
8431714	22471	3703922058		103		MOSES #2	CUSSEWAGO	11.7	COLUMBIA GAS TRAN
8431719	22472	3703922058		107-TF		MOSES #2	CUSSOWAGO	11.7	COLUMBIA GAS TRAN
-MID-PENN ENERGY CORP				RECEIVED:	05/03/84	JA: PA			
8431723	20394	3706326408		108		CHRISTINA & THOMAS BOLTER #1	BRUSH VALLEY	15.0	COLUMBIA GAS TRAN
—-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	05/03/84	JA: PA			
8431724	22860	3704721412		103		MARTHA M RESCH #6284	ST MARYS FIELD	36.5	GENERAL SYSTEM PU
-OILMARK & CO INC				RECEIVED:	05/03/84	JA: PA			
8431725	12101	3712327696		107-TF		CORNISH #3	SUGAR GROVE	8.0	NATIONAL FUEL GAS
-PC EXPLORATION INC				RECEIVED:	05/03/84	JA: PA			
8431726	22776	3712922317		103		ELIZABETH RETALLICK #1	DERRY	35.0	
-PENN STATE JOINT VENTURE				RECEIVED:	05/03/84	JA: PA			
8431727	20476	3705323981		108		S-1	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8431694	20477	3705323982		108		S-2	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8431695	20478	3705323983		108		S-3	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8431696	20479	3705323984		108		S-4	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8431697	20480	3705323986		108		S-6	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
-PHILLIPS PRODUCTION CO				RECEIVED:	05/03/84	JA: PA			
8431698	20959	3706326303	D	108		ARCHIE HADDEN #1	GRANT	15.0	COLUMBIA GAS TRAN
-QUAKER STATE OIL REFINING CORP				RECEIVED:	05/03/84	JA: PA			
8431699	21476	3712330524		108		GRAY TODD & GRAY (GTG) LOT 542-036	GLADE POOL	0.8	NATIONAL FUEL GAS
8431732	21494	3712329704		108		RENSMA (LOT 540) - 013	GLADE POOL	0.8	NATIONAL FUEL GAS
8431728	21483	3712329694		108		RENSMA (LOT 540) - 02	GLADE POOL	0.8	NATIONAL FUEL GAS
8431729	21484	3712329695		108		RENSMA (LOT 540) - 03	GLADE POOL	0.8	NATIONAL FUEL GAS
8431734	21515	3712329722		108		RENSMA (LOT 540) - 033	GLADE POOL	0.8	NATIONAL FUEL GAS
8431733	21511	3712329727		108		RENSMA (LOT 540) - 038	GLADE POOL	0.8	NATIONAL FUEL GAS
8431730	21485	3712329696		108		RENSMA (LOT 540) - 04	GLADE POOL	0.8	NATIONAL FUEL GAS
8431731	21486	3712329697		108		RENSMA (LOT 540) - 05	GLADE POOL	0.8	NATIONAL FUEL GAS
-QUESTA PETROLEUM CO				RECEIVED:	05/03/84	JA: PA			
8431735	22735	3712922297		102-3		DONALD R HACKER #1	EAST HUNTINGDON	25.0	
-S T JOINT VENTURE - 81-B				RECEIVED:	05/03/84	JA: PA			
8431738	20679	3703321171		108		HENRY #1	BRADY	21.0	NATIONAL FUEL GAS
8431737	20678	3703321528		108		HENRY #2	BRADY	21.0	NATIONAL FUEL GAS
-S T JOINT VENTURE 81A				RECEIVED:	05/03/84	JA: PA			
8431736	21243	3706326265		108		KIRKLAND #1	RAYNE	21.0	COLUMBIA GAS TRAN
-SNYDER BROTHERS INC				RECEIVED:	05/03/84	JA: PA			
8431739	22908	3706522867		103		ADRIAN REALTY CO #4-160AC	BELL	10.0	T W PHILLIPS GAS
8431740	22909	3706522875		103		ADRIAN REALTY CO #5-160AC	BELL	10.0	T W PHILLIPS GAS
8431741	22910	3706522868		103		ADRIAN REALTY CO #6-160AC	BELL	10.0	T W PHILLIPS GAS
8431742	22911	3706522818		103		JOSEPH A NOGACEK JR #3-75AC	BELL	10.0	T W PHILLIPS GAS
-UNIVERSAL RESOURCES HOLDINGS INC				RECEIVED:	05/03/84	JA: PA			
8431743	22328	3712333367		102-3		D LITTLE #3	SUGAR GROVE	20.0	NATIONAL FUEL GAS
8431744	22327	3712333367		107-TF		D LITTLE #3	SUGAR GROVE	20.0	NATIONAL FUEL GAS
-US ENERGY DEVELOPMENT CORP				RECEIVED:	05/03/84	JA: PA			
8431745	21113	3712332324		102-2		HANIAK #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
8431746	21114	3712332324		107-TF		HANIAK #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
-VINEYARD OIL & GAS CO				RECEIVED:	05/03/84	JA: PA			
8431747	22759	3704923592		102-2		RUTKOWSKI #3	DRUMLIN	18.0	COLUMBIA GAS TRAN
8431748	22758	3704923592		107-TF		RUTKOWSKI #3	DRUMLIN	18.0	COLUMBIA GAS TRAN
—-ZETA S T JOINT VENTURE 80				RECEIVED:	05/03/84	JA: PA			
8431750	21245	3706326157		108		DUKE #1	RAYNE	21.0	COLUMBIA GAS TRAN
8431751	21246	3706326505		108		DUKE #2	CHERRYHILL	25.0	COLUMBIA GAS TRAN
8431749	20676	3706326209		108		RUFFNER #2	GREEN	25.0	COLUMBIA GAS TRAN
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** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, CASPER, WY									
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-DAVIS OIL COMPANY				RECEIVED:	05/02/84	JA: WY Q			
— 8431756	W 264-3	4900526950		102-2		ANDY UNIT #7	WILDCAT	562.8	BIG HORN FRACTION
8431757	W 273-3	4900526952		102-2		ANDY UNIT #8	WILDCAT	225.0	BIG HORN FRACTION
8431755	W 263-3	4900526657		102-2		FELIX UNIT #4	WILDCAT	402.0	BIG HORN FRACTION
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	05/02/84	JA: WY Q			
8431754	W 256-3	4900526769		103		RUDESILL FED A #2	PORCUPINE	47.4	PANHANDLE EASTERN
8431753	W 253-3	4900922180		102-2		WEST GIBSON DRAW FED-B #1	SCHOOL CREEK	10.9	PANHANDLE EASTERN
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** DEPT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, LOS ANGELES, CA									
**********									
-UNION OIL COMPANY OF CALIF				RECEIVED:	05/02/84	JA: CA X			
8431752	OCS-P 4-84	0431120561		102-5		SANTA CLARA UNIT WELL #S-22	CALIFORNIA OFFSHORE	0.0	PACIFIC LIGHTING

[FR Doc. 84-14294 Filed 5-29-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. 1133]

NGPA Notices of Determination By Jurisdictional Agencies

Issued: May 22, 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 determinations 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 Infosytems, 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 Capital 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:

Sect. 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
103: New onshore production well

Sect. 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

Sect. 108: Stripper well
108–SA: Seasonally affected
107–ER: Enhanced recovery
108–PB: Temporary pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS VOLUME 1133

ISSUED MAY 22, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
ARKANSAS OIL & GAS COMMISSION									
-ANADARKO PRODUCTION COMPANY		RECEIVED: 05/01/84 JA: AR							
8431792		0303310090		103		NEIDECKER UNIT #2	HOLLIS LAKE	600.0	ARKANSAS LOUISIAN
-ARCO OIL AND GAS COMPANY		RECEIVED: 05/01/84 JA: AR							
8431765		0302711103		103		MAGNOLIA SMACKOVER POOL UNIT 4-K-2	MAGNOLIA	82.0	ARKANSAS LOUISIAN
8431766		0302711102		103		MAGNOLIA SMACKOVER POOL UNIT 4-Q-1	MAGNOLIA	4.6	ARKANSAS LOUISIAN
-ARKOMA PRODUCTION CO		RECEIVED: 05/01/84 JA: AR							
8431790		0313110302		103		KHILLING #2	EWING	200.0	ARKANSAS LOUISIAN
8431793		0303310148		103		LASTER #2 - T	KIBLER-WILLIAMS	500.0	ARKANSAS LOUISIAN
8431794		0303310148		103		LASTER #2-C	KIBLER-WILLIAMS	300.0	ARKANSAS LOUISIAN
8431795		0303310151		102-4		LASTER #3-C	KIBLER-WILLIAMS	500.0	ARKANSAS LOUISIAN
8431796		0303310151		102-4		LASTER #3-T	KIBLER-WILLIAMS	500.0	ARKANSAS LOUISIAN
8431820		0307110330		102-4		OZARK REAL ESTATE #2-C	UNION CITY	700.0	ARKANSAS LOUISIAN
8431852		0304710262		103		WILSON #2 (LT)	AETNA	150.0	ARKANSAS LOUISIAN
-C & K PETROLEUM INC		RECEIVED: 05/01/84 JA: AR							
8431798		0311510218		102-4		HAROLD UTLEY 1-2-C	ROSS	97.0	
8431799		0311510218		102-4		HAROLD UTLEY 1-2-T	ROSS	154.0	
8431800		0311510241		102-4		HERBERT SINGLETON 1-5	FURGERSON	1554.0	
8431807		0311510219		102-4		WILLIAMSON 1-11-C	FURGERSON	390.0	
8431797		0311510219		102-4		WILLIAMSON 1-11-T	FURGERSON	379.0	
-CRYSTAL OIL AND LAND COMPANY		RECEIVED: 05/01/84 JA: AR							
8431767		0302711049		103		L SMITH #1	DORCHEAT-MACEDONIA	120.5	J-W GATHERING CO
8431764		0309110471		103		RIVER POINT FARM #2	KIBLAH	7.0	ARKANSAS LOUISIAN
8431763		0309110487		103		RIVER POINT FARM #3	KIBLAH	7.0	ARKANSAS LOUISIAN
-DIAMOND CHEMICALS CO		RECEIVED: 05/01/84 JA: AR							
8431821		0307110280		103		SUSIE PHILLIPS 2-11	UNION CITY	66.0	ARKANSAS LOUISIAN
-ENSTAR PETROLEUM INC		RECEIVED: 05/01/84 JA: AR							
8431801		0311510224		102-4		LUEKER 1-26	ROSS	292.0	
-ESSEX EXPLORATION INC		RECEIVED: 05/01/84 JA: AR							
8431806		0311510179		102-4		ARKANSAS KRAFT 1-9	OAK GROVE	1095.1	ARKANSAS LOUISIAN
8431805		0311510267		102-2		BARNETT #2-33	MORELAND	0.0	ARKANSAS LOUISIAN
-EXXON CORPORATION		RECEIVED: 05/01/84 JA: AR							
8431788		0313110278		102-4		BOONEVILLE GAS UNIT 2 #1	GRAGG	249.0	
8431843		0308310147		102-4		BOONEVILLE GAS UNIT 3 #1	BOONEVILLE	254.0	
8431842		0308310149		102-2		CHISMVILLE GAS UNIT 4 #1	CHISMVILLE	297.0	
8431841		0308310155		102-3		CHISMVILLE GAS UNIT 5 #1	CHISMVILLE	212.0	
8431787		0313110244		103		GRAGG FEDERAL GAS UNIT #1L	GRAGG	152.0	
8431786		0313110244		102-4		GRAGG FEDERAL GAS UNIT #1U	GRAGG	1208.0	
8431839		0308310151		103		JOHN WILLIAMS GAS UNIT #1	BOONEVILLE	121.0	
8431840		0308310139		102-4		LOWDER UNIT #1	BOONEVILLE	1616.0	
8431804		0311510246		102-4		NEKOOSA CORP #1	DOVER	659.0	
8431838		0308310150		102-3		PAUL WILLIAMS GAS UNIT 1 #1	CHISMVILLE	71.0	
-GULF OIL CORPORATION		RECEIVED: 05/01/84 JA: AR							
8431791		0303310122		103		JACKSON 2-24	HOLLIS LAKE (CECIL SP	127.7	ARKANSAS LOUISIAN
-HAWKINS OIL & GAS INC		RECEIVED: 05/01/84 JA: AR							
8431850		0304710185		102-4		SMITH #1-31-C	OZARK	74.0	ARKANSAS LOUISIAN
8431851		0304710185		103		SMITH #1-31-T	OZARK	115.0	ARKANSAS LOUISIAN

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8431823		0307110317		103		USA #1-32 C	SCRANTON	182.0	
8431822		0307110317		103		USA #1-32 T	SCRANTON	360.0	
-JOE D DAVIS				RECEIVED:	05/01/84	JA: AR			
8431789		0313100000		108		DAWSON #1	GRAGG	0.0	ARKANSAS LOUISIAN
-MCCONATHY PRODUCTION CO INC				RECEIVED:	05/01/84	JA: AR			
8431768		0302711099		102-4		PARTNERSHIP PROPERTIES CO #1	KEOUN CREEK	750.0	GULF SOUTH PIPELI
-OXLEY PETROLEUM CO				RECEIVED:	05/01/84	JA: AR			
8431829		0307110313		102-3		RICHARD KIMBROUGH #1-T	WILDCAT	28.1	ARKANSAS LOUISIAN
-REVERE CORP				RECEIVED:	05/01/84	JA: AR			
8431785		0313100000		108		ACEE MILK 1-3 LT	BONANZA	6.1	ARKANSAS LOUISIAN
8431846		0304710281		102-4		DIXIE SNOW #1-26-C	ROCK CREEK	290.0	ARKANSAS WESTERN
8431847		0304710281		102-4		DIXIE SNOW #1-26-LT	ROCK CREEK	178.0	ARKANSAS WESTERN
8431845		0304710281		102-4		DIXIE SNOW #1-26-UT	ROCK CREEK	401.0	ARKANSAS WESTERN
-SAMSON RESOURCES COMPANY				RECEIVED:	05/01/84	JA: AR			
8431769		0302710028		108		BODCAW UNIT #7	WELCOME	0.0	TEXAS GAS TRANSMI
-SEECO INC				RECEIVED:	05/01/84	JA: AR			
8431830		0307110320		103		ROES #1-16	UNION CITY	165.0	ARKANSAS WESTERN
8431844		0304710272		103		SMITHERS 1-18	LONE ELM	30.0	ARKANSAS OIL & GA
-SOUTHWESTERN ENERGY PRODUCTION CO				RECEIVED:	05/01/84	JA: AR			
8431837		0308310160		102-4		ISAACS #1-4	WILDCAT	300.0	
-STEPHENS PRODUCTION COMPANY				RECEIVED:	05/01/84	JA: AR			
8431867		0304710284		103		CLYDE PRIMM #2-C	AETNA	400.0	ARKANSAS LOUISIAN
8431868		0304710284		102-4		CLYDE PRIMM #2-T	AETNA	500.0	ARKANSAS LOUISIAN
8431862		0304710218		103		FORREST WILLIAMS #1-33-C	OZARK	150.0	ARKANSAS LOUISIAN
8431863		0304710218		103		FORREST WILLIAMS #1-33-T	OZARK	350.0	ARKANSAS LOUISIAN
8431784		0313110297		102-4		MITCHELL #1-4-C	MASSARD	500.0	ARKANSAS OKLAHOMA
8431783		0313110297		102-4		MITCHELL #1-4-T	MASSARD	250.0	ARKANSAS OKLAHOMA
8431865		0304710276		103		PEARL PRIMM #2-4-C	AETNA	100.0	ARKANSAS LOUISIAN
8431864		0304710276		103		PEARL PRIMM #2-4-T	AETNA	500.0	ARKANSAS LOUISIAN
8431866		0304710276		102-4		PEARL PRIMM #2-4-T	AETNA	250.0	ARKANSAS LOUISIAN
8431782		0313110261		103		PEERLESS COAL #2-13	GREENWOOD	200.0	ARKANSAS LOUISIAN
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	05/01/84	JA: AR			
8431836		0308300000		103		RACHEL FISHER -21- #1	KNOXVILLE	91.0	ARKLA EXPLORATION
-TENNECO OIL COMPANY				RECEIVED:	05/01/84	JA: AR			
8431811		0311510265		102-3		DAVIS HAROLD #1-32	MORELAND	35.0	
8431812		0311510265		103		DAVIS HAROLD 1-32	MORELAND	35.0	
8431858		0304710293		103		KIRBY #1-8-C	LONE ELM	900.0	ARKANSAS WESTERN
8431859		0304710293		102-4		KIRBY #1-8-C	LONE ELM FIELD	900.0	ARKANSAS WESTERN
8431860		0304710293		103		KIRBY #1-8-T	LONE ELM	330.0	ARKANSAS WESTERN
8431861		0304710293		102-4		KIRBY #1-8-T	LONE ELM FIELD	330.0	ARKANSAS WESTERN
-THOMAS C MUELLER				RECEIVED:	05/01/84	JA: AR			
8431824		0307110309		102-4		HAIRSTON #2-34-C	COAL HILL	52.0	ARKANSAS WESTERN
8431825		0307110309		102-4		HAIRSTON #2-34-T	COAL HILL	39.0	ARKANSAS WESTERN
— 8431827		0307110287		102-4		J H JACKSON #1-5-C	COAL HILL	37.0	
8431826		0307110287		102-4		J H JACKSON #1-5-T	COAL HILL	37.0	
8431828		0307110298		102-4		PIPKINS #1-4	COAL HILL	183.0	
8431803		0311510209		102-4		SINGLETON #2-34-C	FERGERSON	1000.0	
8431802		0311510209		102-4		SINGLETON #2-34-T	FERGERSON	0.0	
8431808		0311510208		102-4		STURGIS #1-27-C	DOVER	183.0	
8431818		0311510208		102-4		STURGIS #1-27-T	DOVER	183.0	
8431848		0304710255		103		SUNSTRONG #1-35-C	OZARK	109.0	
— 8431849		0304710255		103		SUNSTRONG #1-35-T	OZARK	146.0	
-TOWNER PETROLEUM CO				RECEIVED:	05/01/84	JA: AR			
8431781		0313100000		103		HONEY #6-1	WITCHERVILLE	0.0	ARKANSAS LOUISIAN
8431780		0313100000		103		STEPHENS #5-1	GRAGG	0.0	ARKANSAS LOUISIAN
-TXO PRODUCTION CORP				RECEIVED:	05/01/84	JA: AR			
8431809		0311510271		102-4		BOGLER #2-C	ROSS	131.3	DELHI GAS PIPELIN
8431813		0311510271		102-4		BOGLER #2-T	ROSS	1109.1	DELHI GAS PIPELIN
8431857		0304710282		102-4		BOLLINGER "B" #1-C	PETER PENDER	7.1	
8431856		0304710282		102-4		BOLLINGER "B" #1-T	PETER PENDER	253.1	
8431819		0307110323		103		BRINKS #1-T	LUDWIG	144.4	DELHI GAS PIPELIN
8431779		0313110292		103		HICKEY #1	MANSFIELD	21.0	
8431855		0304710278		102-4		HUGGINS "A" #1	POSSOM TROT	372.5	
8431770		0302711037		103		HUTCHESON #1	ATLANTA	848.1	
8431762		0307310963		103		INTERNATIONAL PAPER COMPANY "J" #1	LAKE ERLING	508.7	
8431835		0308310159		102-4		KERN "C" #1	SCRANTON	149.9	
8431778		0313110246		103		LOOPER #1	EXCELSIOR	26.8	
8431853		0304710263		102-4		MIESNER #1-C	PETER PENDER	133.1	
8431854		0304710263		102-4		MIESNER #1-T	PETER PENDER	64.6	
8431831		0307110304		102-4		PATTERSON #2-19	KNOXVILLE	220.2	DELHI GAS PIPELIN
8431814		0311510223		102-4		PETERSON "A" #1-C	FURGERSON	72.2	DELHI GAS PIPELIN
8431815		0311510223		102-4		PETERSON "A" #1-T	FURGERSON	360.9	DELHI GAS PIPELIN
8431777		0313110295		103		QUANEX #1	MASSARD	78.8	
8431834		0308310163		102-4		ROBINSON "J" #1	DELAWARE	206.1	
8431833		0308310161		102-4		ROGERS "E" #1	SCRANTON	19.7	
8431832		0308310071		102-4		SPENCER #1-29	DELAWARE	65.6	
8431775		0313110253		102-4		THOMAS "J" #1-C	GRAGG	28.9	
8431776		0313110253		102-4		THOMAS "J" #1-T	GRAGG	7.8	
8431810		0311519458		102-4		TXO GOSE-LANDERS #1	DOVER	21.0	
8431774		0313110284		102-4		UDOUJ #1	MASSARD	1500.5	DELHI GAS PIPELIN
8431773		0313110293		102-4		UDOUJ "A" #1	MASSARD	252.0	DELHI GAS PIPELIN
8431817		0311510255		102-4		WHORTON "A" #1-C	ROSS	168.0	
8431816		0311510255		102-4		WHORTON "A" #1-T	ROSS	209.2	
8431772		0302711154		103		YOUNG "O" #2 - LT	ATLANTA	68.8	
8431771		0302711154		103		YOUNG "O" #2 - UT	ATLANTA	27.3	

LOUISIANA OFFICE OF CONSERVATION

-AMOCO PRODUCTION CO				RECEIVED:	05/02/84	JA: LA			
8431899	84-418	1705721937		103		DIBERT STARKS & BROWN 99 MIRE RASUA	CHACAHOULA	185.0	AMOCO PRODUCTION
-ARCO OIL AND GAS COMPANY				RECEIVED:	05/02/84	JA: LA			
8431894	84-392	1700102461		107-PE		A BREAUX #1 STUTES SU U	DUSON FIELD	442.2	LOUISIANA INTRAST
-CHEVRON U S A INC				RECEIVED:	05/02/84	JA: LA			
8431897	84-422	1704520785		103		E H PETERMAN C #3 PLAN (P)4 RA SUE	EAST BAYOU POSTILLION	867.0	SOUTHERN NATURAL
-COMMONWEALTH ENERGY INC				RECEIVED:	05/02/84	JA: LA			
— 8431907	84-0371	1707324092		103		ARVEAL B SMITH #2	MONROE	949.0	IMC PIPELINE CO I
-EXXON CORPORATION				RECEIVED:	05/02/84	JA: LA			
8431906	84-404	1707523119		103		URSLA GORDON #2 MI0 10D RF SU A	POTASH	160.0	UNITED GAS PIPE L
-FRANKS & PETROFUNDS INC				RECEIVED:	05/02/84	JA: LA			
8431908	84-0398	1701320553		103		CON CAN Y #1-ALT HOSS B SUH	SAILES	0.0	LOUISIANA GAS PUR
8431910	84-0369	1701320571		103		CON CAN Y #1-D HOSS A SUH	SAILES	0.0	LOUISIANA GAS PUR
8431909	84-0397	1701320570		103		JJ CARTER HEIRS A #1-ALT HOSS B SUF	WEST BRYCELAND	580.0	TEXAS EASTERN TRA
-FRANKS PETROLEUM INC ETAL				RECEIVED:	05/02/84	JA: LA			
— 8431893	84-425	1706120260		103		T L JAMES B #1 CV DAVIS RA SUC	UNIONVILLE	275.0	OLINKRAFT INC

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PETROFUNDS INC				RECEIVED:	05/02/84	JA: LA			
8431902	84-421	1701320565		103		ALEXANDER ALT #2-D HOSS B SUK	SAILES	480.0	LOUISIANA GAS PUR
8431903	84-0266	1701320576		103		PIERCE #2-D HOSS A SUJ	SAILES	520.0	LOUISIANA GAS PUR
8431901	84-419	1701320566		103		WILLAMETTE ALT 2-D HOSS B SUW	SAILES	0.0	LOUISIANA GAS PUR
8431904	84-0395	1701320566		103		WILLIAMETTE #2 HOSS A SUW	SAILES	547.0	LOUISIANA GAS PUR
-PRIMOS-PENNZOIL JV				RECEIVED:	05/02/84	JA: LA			
8431900	84-0239	1711121696		108		FEE 125 #1	MONROE FIELD	8.3	UNITED GAS PIPE L
-TEXACO INC				RECEIVED:	05/02/84	JA: LA			
8431892	84-221	1710922638		103		SL 301 TERREBONNE BAY #362	CAILLOU ISLAND	128.0	KAISER ALUMINUM &
8431895	84-381	1770720122		103		SL 340 MOUND POINT #95-D	MOUND POINT	2140.0	KAISER ALUMINUM &
-TXO PRODUCTION CORP				RECEIVED:	05/02/84	JA: LA			
8431891	84-424	1707321971		103		OLINKRAFT #1 HOSS D SUB	CHENIERE CREEK	511.0	ARKANSAS-LOUISIAN
8431898	84-414	1702721153		103		PIXLEY #1 HOSS SUR	ATHENS	124.0	DELHI GAS PIPELIN
-UNION TEXAS PETROLEUM				RECEIVED:	05/02/84	JA: LA			
8431896	84-60	1706120301		103		FALLIN 23 #1	TERRYVILLE SEC 23 T19	730.0	SUGAR BOWL GAS CO
-VERNON E FAULCONER INC				RECEIVED:	05/02/84	JA: LA			
8431905	84-0406	1705500000		108		F ROGER #1 HERNANDEZ SUB #081445	VATICAN	0.0	LOUISIANA INTRAST
8431911	84-0366	1703122149		103		WORLEY #1 SERIAL #185356	BETHANY-LONGSTREET	0.0	ARKANSAS LOUISIAN
OKLAHOMA CORPORATION COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	05/02/84	JA: OK			
8431928	27102	3504321056		103		DENNIS FOX #1	PUTNAM - REDFORK AND	7.0	MOBIL OIL CORP
-ANADARKO PRODUCTION COMPANY				RECEIVED:	05/02/84	JA: OK			
8431926	27353	3509322790		103		HUBBLE A #4-20	ROSCOE NW	140.0	AMINOIL USA INC
-CASCO PRODUCTION INC				RECEIVED:	05/01/84	JA: OK			
8431872	27614	3503725763		103		JOE S MCGILL #1	LINCREEK	72.0	
-COBRA OIL AND GAS CORPORATION				RECEIVED:	05/01/84	JA: OK			
8431883	25900	3515321446		102-2		REGER "12" #2	TANGIER	182.5	NORTHERN NATURAL
-CORDOVA OIL & GAS INC				RECEIVED:	05/01/84	JA: OK			
8431880	26298	3504900000		108		B B DENSMORE "A" #2	NORTH HOOVER	2.7	AMINOIL USA INC
8431881	26296	3504900000		108		RICHARDSON "B" #2	NORTH HOOVER	3.0	AMINOIL USA INC
8431882	26295	3504900000		108		RICHARDSON UNIT #1	NORTH HOOVER	1.0	AMINOIL USA INC
-COTTON PETROLEUM CORPORATION				RECEIVED:	05/02/84	JA: OK			
8431912	24109	3500722454		102-4		NAYLOR FARMS #1	NORTH BALKO	0.0	
-DEVON ENERGY CORP				RECEIVED:	05/02/84	JA: OK			
8431929	26728	3507900000		108		REED #2-11	RED OAK	0.0	ARKANSAS LOUISIAN
-EL PASO NATURAL GAS COMPANY				RECEIVED:	05/01/84	JA: OK			
8431890	14512	3500935560		108-PB		PUCKETT #2	ERICK SOUTH	0.0	EL PASO NATURAL G
8431889	19132	3500920130		108-PB		PUCKETT A #2	ERICK SOUTH	0.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	05/02/84	JA: OK			
8431914	22082	3500906807		108-PB		STRIPLING #1	ERICK SOUTH	0.0	EL PASO NATURAL G
-JONES & PELLOW OIL CO				RECEIVED:	05/01/84	JA: OK			
8431885	24951	3501922031		102-4		CARL DAMRON #31-1		30.0	NORTHWEST CENTRAL
8431884	24953	3501921900		102-4		STRINGER #32-1		30.0	NORTHWEST CENTRAL
8431886	24950	3501921963		102-4		STRINGER #32-2		30.0	NORTHWEST CENTRAL
-K & P OIL CORP				RECEIVED:	05/02/84	JA: OK			
8431933	24908	3507323805		102-4	103	MEYER #30-1	SOONER TREND	365.0	PHILLIPS PETROLEU
8431918	24905	3507323812		102-4	103	MEYER #34-1	SOONER TREND	730.0	PHILLIPS PETROLEU
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	05/02/84	JA: OK			
8431932	25067	3500722377		102-4	103	ANDERSON #1-22	WEST SLAPOUT	310.3	
-KELLOIL INC				RECEIVED:	05/01/84	JA: OK			
8431874	27576	3515321437		103		SHAY #1		93.0	PHILLIPS PETROLEU
-KEY OIL COMPANY				RECEIVED:	05/02/84	JA: OK			
8431924	27562	3513721816		103		ROBBERSON "B" #13	SHOVELTUM	50.0	GETTY OIL CO
-LITTLE RIVER ENERGY CO				RECEIVED:	05/01/84	JA: OK			
8431870	27636	3503725585		103		SINKER #1	S BRISTOW	28.0	BOYNTON FIELD GAS
8431869	27637	3503725669		103		SINKER #2	S BRISTOW	20.0	BOYNTON FIELD GAS
-NORTH CENTRAL DRILLING CO INC				RECEIVED:	05/01/84	JA: OK			
8431879	26868	3508122149		103		CINDY #3 081-80665-1	SOUTHWEST STROUD	0.0	SWAB CORP
-OFS-TULSA CORP				RECEIVED:	05/02/84	JA: OK			
8431930	26706	3508322355		103		WENDY #1-9		22.5	
-OIL VENTURES LTD				RECEIVED:	05/02/84	JA: OK			
8431919	27638	3507122146		103		PETTIT #1	SW SW NE SEC 35-28N-1	55.1	CHASE EXPLORATION
-ONEOK RESOURCES CO				RECEIVED:	05/01/84	JA: OK			
8431878	27283	3501722623		103		ALVIN #1	NORTH CONCHO	10.0	DELHI GAS PIPELIN
-PETRA RESOURCES INC				RECEIVED:	05/01/84	JA: OK			
8431875	27555	3508322306		103		CITY OF GUTHRIE #1-21		73.0	BUCKEYE NATURAL G
-PETRO-ENERGY EXPLORATION INC				RECEIVED:	05/02/84	JA: OK			
8431925	27539	3504723509		103		GRIMES #1-22	NORTH CARRIER	100.0	UNION TEXAS PETRO
8431917	25377	3504723407		103		KRAUSSE #1-32		100.0	WELLHEAD ENTERPRI
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	05/01/84	JA: OK			
8431888	21643	3504721516		108-PB		ALWERT "A" #1	SOONER TREND	12.0	TRANSOK PIPELINE
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	05/02/84	JA: OK			
8431913	23123	3504721569		108-PB		LEAVENGOOD B #2	SOONER TREND	16.1	TRANSOK PIPELINE
8431916	23120	3504721571		108-PB		SLOUP B #2	SOONER TREND	14.2	TRANSOK PIPELINE
-PHOENIX ENERGY CORP				RECEIVED:	05/02/84	JA: OK			
8431920	27631	3507326520		103		TURNER #2	SOONER TREND	0.7	PHILLIPS PETROLEU
-R & M PETROLEUM INC				RECEIVED:	05/02/84	JA: OK			
8431922	27613	3503725445		103		CHIEF #2	STROUD	18.0	KERR-MCGEE CORP
8431923	27612	3503725693		103		FRONTIER #2	STROUD	18.0	KERR-MCGEE CORP
-RED EAGLE OIL CO				RECEIVED:	05/02/84	JA: OK			
8431927	27178	3509322768		103		MILTON #1	N W OKEENE	73.0	PIONEER GAS PRODU
-ROY LAWRENCE DRILLING CO INC				RECEIVED:	05/02/84	JA: OK			
8431921	27616	3511700000		103		RYAN-OSBORN #5		50.0	PHILLIPS PETROLEU
-T-REX CORP				RECEIVED:	05/01/84	JA: OK			
8431877	27434	3503725523		103		NITTI #1	STROUD OIL FIELD	36.0	KERR-MCGEE CORP
-TEXACO INC				RECEIVED:	05/02/84	JA: OK			
8431915	23901	3513700000		108-PB		W G BARNARD #1		0.0	ARKANSAS LOUISIAN
-THE WIL-MC OIL CORP				RECEIVED:	05/01/84	JA: OK			
8431876	27541	3500300000		103		GRAY #1-A	EAST BRYON	36.5	SUN EXPLORATION &
8431873	27597	3511900000		103		WETZEL ESTATE #2	N E LANGSTON	22.0	EL GRANDE PIPELIN
-TXO PRODUCTION CORP				RECEIVED:	05/01/84	JA: OK			
8431887	24097	3515320252		108		EVERSOLE #1	NE WAYNOKA	0.0	DELHI GAS PIPELIN
-TXO PRODUCTION CORP				RECEIVED:	05/02/84	JA: OK			
8431931	25828	3509120546		102-4	103	WYNN #2	S E CHECOTAH	55.0	COLUMBIA GAS TRAN
-VIERSEN & COCHRAN				RECEIVED:	05/01/84	JA: OK			
8431871	27626	3500321105		103		JAY CROMWELL #1-25	WAKITA TREND	82.0	
WEST VIRGINIA DEPARTMENT OF MINES									
-ALAMCO INC				RECEIVED:	05/02/84	JA: WV			
8431938		4704103217		108		A-1107	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8431937		4704103167		108		A-1109	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8431936		4704103145		108		A-1130	COURTHOUSE	0.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC				RECEIVED:	05/02/84	JA: WV			
8431934		4704700200		108-SA		ISRAEL FORMAN #1 - 031330	VIRGINIA	17.0	CONSOLIDATED GAS
-J E J ENTERPRISES INC				RECEIVED:	05/02/84	JA: WV			
8431935		4700100961		108		B-179 BAR - 961	PHILIPPI	0.0	CONSOLIDATED GAS
-NRM PETROLEUM CORPORATION				RECEIVED:	05/02/84	JA: WV			
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8431946		4700501277		102-4		BERWIND LAND COMPANY #4	MARSH FORK	0.0	COLUMBIA GAS TRAN
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8431944		4700501278		102-4		BERWIND LAND COMPANY #7	MARSH FORK	0.0	COLUMBIA GAS TRAN
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8431951		4708100398		102-4		ROWLAND LAND CO B-2	MARSH FORK	0.0	COLUMBIA GAS TRAN
8431950		4708100407		102-4		ROWLAND LAND CO B-3	MARSH FORK	0.0	COLUMBIA GAS TRAN
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List of Public Laws

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202–275–3030).

H.R. 4107 / Pub. L. 98–296

To designate the Federal building in Salisbury, Maryland, as the "Maude R. Toulson Federal Building". (May 24, 1984; 98 Stat. 211) Price: $1.50

H.R. 5576 / Pub. L. 98–297

To designate certain land and improvements of the National Institutes of Health as the "Mary Woodard Lasker Center for Health Research and Education". (May 24, 1984; 98 Stat. 212) Price: $1.50

S.J. Res. 252 / Pub. L. 98–298

To designate May 25, 1984, as "Missing Children Day". (May 24, 1984; 98 Stat. 213) Price: $1.50