

6-20-84
Vol. 49 No. 120
Pages 25217-25420

Test Report Federal Trade

Wednesday
June 20, 1984

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Civil Aeronautics Board

Air Pollution Control

Environmental Protection Agency

Authority Delegations (Government Agencies)

Federal Reserve System

Cotton

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Polychlorinated Biphenyls

Environmental Protection Agency

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Radio

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Securities

Securities and Exchange Commission

Trade Practices

Federal Trade Commission



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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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Title 3—

The President

Proclamation 5210 of June 18, 1984

National Child Passenger Safety Awareness Day, 1984

By the President of the United States of America

A Proclamation

Now that school sessions have come to a close and many families are preparing for summer vacations, it is especially appropriate to remind all Americans of the importance of child passenger safety. Children who are not buckled into child safety seats or safety belts are subject to great risks of serious injury in motor vehicle accidents because their less developed bodies afford them little protection.

It is a tragic fact that motor vehicle collisions are the primary cause of death and crippling injuries for children in the United States. From 1978 through 1982, nearly 3,400 children under five years old were killed in motor vehicle collisions, and more than 230,000 others were seriously injured. All Americans must do their best to reduce these senseless tragedies.

Fortunately, in the last few months, much has been done to protect young children travelling by car. We know that the proper use of child safety seats reduces the risk of death by up to 90 percent and can prevent up to 67 percent of all injuries. Through the voluntary efforts of many individuals and citizens groups, 47 States and the District of Columbia have recently enacted mandatory child restraint laws. Unfortunately, surveys show that only 40 percent of children under five years old are being protected by child safety seats and that 70 percent of the seats are not being used properly. In order to emphasize the importance of correct installation and use of child safety seats, many private and public organizations alike are initiating educational programs to achieve that end. For example, the National Automobile Dealers Association, the National Child Passenger Safety Association, and the American Academy of Pediatrics are currently sponsoring child safety clinics throughout the Nation to check on and demonstrate the correct use and installation of child restraint systems.

It is particularly vital for parents to understand the special risk which their children face as motor vehicle passengers and to educate their children about the importance of child safety seats each time they ride in the car. As adults, we all should remember that our own use of safety belts in our car can be a particularly good lesson for our children.

To emphasize the combined efforts of government and private sector organizations to promote child passenger safety throughout our Nation, the Congress, by Senate Joint Resolution 289, has authorized and requested the President to issue a proclamation designating June 18, 1984, as "National Child Passenger Safety Awareness Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim June 18, 1984, as National Child Passenger Safety Awareness Day. I encourage all Americans to observe this occasion by participating in appropriate programs, ceremonies and activities to educate motor vehicle drivers about the tragic consequences of neglecting the safety of our children when they travel by automobile.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of June, 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. 84-16623

Filed 6-18-84; 4:23 pm]

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Presidential Documents

Proclamation 5211 of June 18, 1984

Federal Credit Union Week, 1984

By the President of the United States of America

A Proclamation

This year marks the fiftieth anniversary of the passage of the Federal Credit Union Act of 1934 which enabled credit unions to be organized throughout the United States under charters approved by the Federal government.

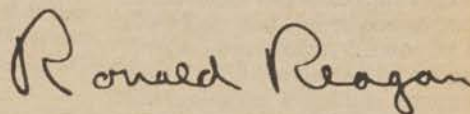
Credit unions are uniquely democratic economic organizations, founded on the principle that persons of good character and modest means, joining together in cooperative spirit and action, can promote thrift, create a source of credit for productive purposes, and build a better standard of living for themselves. Because credit unions exemplify the traditional American values of thrift, self-help and voluntarism, they have carved a special place for themselves among the Nation's financial institutions.

Today, Federal credit unions are at their strongest point in history. They enter this, their 50th anniversary year, as the Nation's fastest-growing financial institutions. As member-owned cooperatives, credit unions operate with the credo, "Not for profit, not for charity—but for service." Credit unions have maintained allegiance to this ideal and as a result have consistently reflected the philosophical tradition and the cooperative spirit of people helping people that prompted passage of the Federal Credit Union Act.

The Congress, by House Joint Resolution 139, has designated the week beginning June 24, 1984 as "Federal Credit Union Week" and has authorized and requested the President to issue a proclamation calling for the observance of this occasion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning June 24, 1984, as Federal Credit Union Week. I call upon the people of the United States to celebrate this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of June, 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.



Rules and Regulations of the International Conference

Section I. General Principles

Article 1. The purpose of the Conference is to promote the development of the international community.

Article 2. The Conference shall be composed of representatives of the United States of America.

Article 3. The Conference shall be held in the city of Washington.

The first meeting of the Conference shall be held in the city of Washington, D.C., on the first day of January, 1945.

Each member of the Conference shall have one vote. In the event of a tie, the vote of the United States of America shall be decisive.

The Conference shall have the right to recommend to the United States of America any action which it deems to be in the best interests of the international community.

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Rules and Regulations

Federal Register

Vol. 49, No. 120

Wednesday, June 20, 1984

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 56 and 70

Office of Management and Budget Information Collection Control Numbers Assigned to Voluntary Egg and Poultry Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises 7 CFR 56.9 and 70.6. These sections identify the information collection requirements each part contains and the respective control numbers assigned by the Office of Management and Budget (OMB). In accordance with 5 CFR Part 1320, these changes are made in order to make the information more convenient to locate.

EFFECTIVE DATE: June 20, 1984.

FOR FURTHER INFORMATION CONTACT: D. M. Holbrook, Chief, Standardization Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 3944, South Building, Washington, D.C. 20250, (202-447-3506).

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this amendment is merely administrative, involving only the identification of information collection requirements and display of OMB control numbers pursuant to 5 CFR Part 1320 and is not subject to requirements of Executive Order 12291.

Administrative Procedure Act

Pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and

contrary to the public interest because these amendments are nonsubstantive, impose no new requirements, and merely provide a convenient listing of information collection requirements and OMB control numbers. Thus, good cause also is found for making this final rule effective less than 30 days after publication of this document in the Federal Register.

Regulatory Flexibility Act

Since this rulemaking is exempt from the notice and comment provisions of the Administrative Procedure Act, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

Paperwork Reduction Act

This rulemaking does not require an additional collection of information from the public under the Paperwork Reduction Act of 1980.

Background

The Paperwork Reduction Act of 1980 was designed both "to minimize the Federal paperwork burden for individuals, small businesses, State and local governments, and other persons" and "to maximize the usefulness of information collected by the Federal government." On March 31, 1983, OMB issued a final rule, 5 CFR Part 1320, implementing the provisions of the Paperwork Reduction Act of 1980. Among other provisions, the rule requires the display of OMB control numbers on collection of information requirements contained in agency rules adopted after public notice and comment. The control numbers provide a simple and effective way for the public to tell whether a paperwork burden an agency seeks to impose has been cleared as the Act requires. The Director of OMB, as the accountable individual in the Government, has assured that the information is needed, is not duplicative of information already collected, and is collected efficiently.

Each information collection requirement in the regulations is reviewed and evaluated periodically. In addition, every three years the Agency submits a clearance docket to OMB, based on the criteria in 5 CFR Part 1320, for review and extension of approval of existing information collection requirements.

OMB approval of collection of information under 7 CFR Part 56 would

have expired in June 1984. But prior to that the Agency submitted to OMB a revised clearance docket which also included sections of the regulation not previously listed. These revisions reflected interagency administrative procedures and imposed no new or additional information burden on the public or changed the existing collection of information under 7 CFR Part 56. A notice of the OMB review was published April 4, 1984 (49 FR 13393), and subsequently the clearance docket for 7 CFR Part 56 was approved by OMB.

Therefore, § 56.9 of 7 CFR Part 56 is updated by adding sections not previously displayed to the list of sections with information collection requirements. In addition, § 70.6 of 7 CFR Part 70 is revised by deleting one section number inadvertently displayed as containing an information collection requirement. These sections identify and update information collection requirements contained in each part and the respective control numbers assigned by OMB. The Agency has determined that this amendment is not substantive. It merely provides a convenient and current listing of the information collection requirements and OMB control numbers in accordance with 5 CFR Part 1320.

List of Subjects

7 CFR Part 56

Shell eggs, Voluntary grading service.

7 CFR Part 70

Poultry, Poultry products, Rabbit products, Voluntary grading service.

Accordingly, under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56) and the Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products and United States Classes, Standards, and Grades (7 CFR Part 70) as follows:

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

1. In Part 56, § 56.9 is amended by revising paragraph (b) to read as follows:

§ 56.9 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(b) Display.

7 CFR section where identified and described	Current OMB control No.
56.3	0581-0128
56.4	0581-0128
56.4 (a)	0581-0128
56.5	0581-0128
56.10(a)	0581-0128
56.11	0581-0128
56.12	0581-0128
56.13	0581-0128
56.14	0581-0128
56.17(b)	0581-0128
56.18	0581-0128
56.21(a)	0581-0128
56.21(b)	0581-0128
56.23	0581-0128
56.24	0581-0128
56.25	0581-0128
56.26	0581-0128
56.30	0581-0128
56.31(a)	0581-0128
56.35(b)	0581-0128
56.35(c)	0581-0128
56.37	0581-0128
56.52(a)(1)	0581-0128
56.52(a)(4)	0581-0128
56.52(b)	0581-0128
56.52(b)(1)	0581-0128
56.52(b)(3)(ii)	0581-0128
56.54(b)	0581-0128
56.54(b)(1)	0581-0128
56.54(b)(3)(ii)	0581-0128
56.56	0581-0128
56.56(a)	0581-0128
56.57	0581-0128
56.58	0581-0128
56.60	0581-0128
56.62	0581-0128
56.76(e)(b)	0581-0128
56.76(g)	0581-0128

PART 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS AND U.S. CLASSES, STANDARDS, AND GRADES

2. In Part 70, § 70.6 is amended by revising paragraph (b) to read as follows:

§ 70.6 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(b) Display.

7 CFR section where identified and described	Current OMB control No.
70.10	0581-0127
70.18	0581-0127
70.20(a)	0581-0127
70.21	0581-0127
70.22	0581-0127
70.31(a)	0581-0127
70.31(b)	0581-0127
70.33	0581-0127
70.34	0581-0127
70.35	0581-0127
70.36	0581-0127
70.36(c)	0581-0127
70.36(d)	0581-0127
70.50	0581-0127
70.61	0581-0127
70.73	0581-0127
70.76(b)(1)	0581-0127
70.76(b)(3)(ii)	0581-0127
70.77(a)(1)	0581-0127
70.77(b)(1)	0581-0127
70.77(b)(3)(ii)	0581-0127

7 CFR section where identified and described	Current OMB control No.
70.91(a)	0581-0127
70.91(c)	0581-0127
70.92	0581-0127
70.100	0581-0127
70.102	0581-0127
70.210(e)	0581-0127
70.310(e)	0581-0127

(Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627))

Done at Washington, D.C., on June 15, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84-16479 Filed 6-19-84; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

7 CFR Part 360

[Docket No. 84-318]

Noxious Weeds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the noxious weed regulations by adding seventeen types of weeds to the list of noxious weeds. The effect of this action is to prohibit the importation into or through the United States of the weeds added to the list, unless imported pursuant to a written permit. The regulations provide for the issuance of a written permit only upon a determination that such importation would not involve a danger of dissemination of the weeds into the United States. The amendment is necessary to help prevent the artificial spread of the weeds into noninfested areas of the United States.

EFFECTIVE DATE: July 20, 1984.

FOR FURTHER INFORMATION CONTACT:

James Lackey, Staff Specialist, Biological Assessment Support Staff, Plant Protection and Quarantine, APHIS, U.S. Department of Agriculture, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-6805.

SUPPLEMENTARY INFORMATION:

Background

A document published in the *Federal Register* on December 23, 1983 (48 FR 56763-56764), proposed to amend the noxious weed regulations in 7 CFR Part 360 (referred to below as the regulations) by adding seventeen types of weeds to the list of noxious weeds. These included one type of aquatic

weed, two types of parasitic weeds, and 14 types of terrestrial weeds. Based on the reasons set forth in this document and in the proposal, the seventeen types of weeds are added to the list of noxious weeds as proposed.

Section 3(c) of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802(c)) defines a noxious weed "as any living stage (including, but not limited to, seeds and reproductive parts) of any parasitic or other plant of a kind, or subdivision of a kind, which is of foreign origin, is new to or not widely prevalent in the United States, and can directly or indirectly injure crops, other useful plants, livestock, or poultry or other interests of agriculture, including irrigation, or navigation or the fish or wildlife resources of the United States or the public health."

Under the regulations a listed noxious weed may be moved into or through the United States only pursuant to a written permit. The regulations provide for the issuance of a written permit only upon a determination that the movement of the noxious weed would not involve a danger of dissemination of the noxious weed in the United States.

The document of December 23, 1983, provided that a public hearing would be held if a request were received on or before January 23, 1984. No request for a hearing was received, and a public hearing was not held. In addition, the document of December 23 provided that written comments would be accepted until February 21, 1984. In response, three comments were received: One from a university professor and two from representatives of State departments of agriculture.

Comments

One commenter expressed general support for the proposal. The two other commenters did not express support for or opposition to the proposal but questioned the accuracy of information set forth in the proposal concerning the existence in the United States of two of the weeds which the Department proposed to add to the list of noxious weeds, *Lycium ferocissimum* (African boxthorn) and *Mimosa pigra* Linnaeus var. *pigra* (catclaw mimosa).

The proposal indicated that *Lycium ferocissimum* is not known to exist in the United States. A commenter asserted that *Lycium ferocissimum* has been identified in California but further asserted that this noxious weed is not widely prevalent in California. Based on observations made by officials of the California Department of Food and Agriculture, the Department has confirmed the existence of this noxious

weed in California. The Department has further determined that *Lycium ferocissimum* is not known to be widely prevalent in the United States since it is not known to exist in the United States other than in two small areas in California.

Further, it is necessary to include *Lycium ferocissimum* in the list of noxious weeds. It hampers grazing in pastures and produces berries that are poisonous to animals and humans, and otherwise meets the criteria set forth above for a noxious weed.

The proposal also indicated that *Mimosa pigra* Linnaeus var. *pigra* (catclaw mimosa) is not known to exist in the United States. A commenter asserted that the variety of *Mimosa pigra* which occurs in Florida and in Texas might be of the same variety of *Mimosa pigra* that was proposed to be added to the list of noxious weeds. Based on observations made by university weed researchers, the Department has determined that *Mimosa pigra* Linnaeus var. *pigra* exists in Florida. However, the Department has not been able to find any evidence of *Mimosa pigra* Linnaeus var. *pigra* in Texas. Based on observations, it appears that the only variety of *Mimosa pigra* found in Texas is *Mimosa pigra* var. *berlandieri*. Even though *Mimosa pigra* Linnaeus var. *pigra* has been found to exist within Florida, it is not known to be widely prevalent in the United States since it is not known to exist in the United States other than in Florida.

Further, it is necessary to list *Mimosa pigra* Linnaeus var. *pigra* as a noxious weed since it forms impenetrable thickets along lakes and waterways, and otherwise meets the criteria set forth above for a noxious weed.

Executive Order 12291 and Regulatory Flexibility Act

This final rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this final rule would not have a significant effect on the economy; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographical regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It appears that the dissemination of any of the noxious weeds that are being added to the list could cause significant damage to interests of agriculture and that it is necessary to list them as noxious weeds to prevent them from being disseminated in the United States. Further, it appears that there is no feasible alternative to consider concerning the requirement that agencies choose the alternative that maximizes net benefits to society at the lowest net cost.

Based on information compiled by the Department, it has been determined that there is almost no movement of these weeds as such, and that these weeds are rarely carried by other articles offered for importation into the United States.

Under these circumstances, Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

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

List of Subjects in 7 CFR Part 360

Imports, Plants (agriculture), Quarantine, Transportation, Weeds.

PART 360—NOXIOUS WEEDS REGULATIONS

§ 360.200 [Amended]

Under the circumstances referred to above, § 360.200 of the noxious weed regulations (7 CFR 360.200) is amended as follows:

1. Paragraph (a) listing aquatic weeds is amended by adding the following in alphabetical order:

Lagarosiphon major (Ridley) Moss

2. Paragraph (b) listing parasitic weeds is amended by adding the following in alphabetical order:

Aeginetia spp.

Alectra spp.

3. Paragraph (c) listing terrestrial weeds is amended by adding the following in alphabetical order:

Asphodelus fistulosus Linnaeus (onionweed)

Emex australis Steinheil (three-cornered jack)

Emex spinosa (Linnaeus) Campdera (devil's thorn)

Lycium ferocissimum Miers (African boxthorn)

Melastoma malabathricum Linnaeus

Mimosa pigra Linnaeus var. *pigra* (catclaw mimosa)

Nassella trichotoma (Nees) Hackel ex

Arechavaleta (serrated tussock)

Opuntia aurantiaca Lindley (jointed prickly pear)

Paspalum scrobiculatum Linnaeus (Kodo-millet)

Pennisetum macrourum Trinius (African feathergrass)

Rubus fruticosus Linnaeus (complex) (wild blackberry)

Rubus moluccanus Linnaeus (wild raspberry)

Setaria pallide-fusca (Schumacher) Stapf & Hubbard (cattail grass)

Urochloa panicoides Beauvois (liverseed grass)

Authority: Secs. 4, 10; 88 Stat. 2149, 2151 (7 U.S.C. 2803, 2809); 7 CFR 2.17, 2.51, 371.2(c).

Done at Washington, D.C., this 15th day of June 1984.

Harvey L. Ford,

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

[FR Doc. 84-18385 Filed 6-10-84; 8:45 am]

BILLING CODE 3410-34-M

Commodity Credit Corporation

7 CFR Part 1427

[Amdt 4]

CCC Cotton Loan Program Regulations Governing 1980 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to amend the Commodity Credit Corporation (CCC) Cotton Loan Program Regulations Governing the 1980 and Subsequent Crops concerning the packaging of cotton which is pledged to CCC as collateral for price support loans. The specifications for bale packaging materials used in wrapping cotton for 1984 that were approved and published by the Joint Cotton Industry Bale Packaging Committee (JCIBPC) are acceptable to CCC. Therefore, CCC is incorporating these specifications by reference and will require that 1984-crop cotton pledged to CCC as collateral for price support loan be wrapped to comply with these specifications.

DATES: Effective June 19, 1984. The Director of the Federal Register approved the incorporation by reference of the 1984 specifications effective on June 19, 1984.

ADDRESS: Grant Buntrock, Cotton, Grain, and Rice Price Support Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, Cotton, Grain, and Rice Price Support Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7987. The Final Impact Statement describing the options

considered in developing the rule that eliminated the publishing in the *Federal Register* of packaging specifications and the impact of implementing each option is available upon request from the above-named individual.

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

The title and number of the Federal Assistance Program that this rule applies to are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

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

An Environmental Evaluation has been completed. It has been determined that this action is not expected to have any significant impact on the quality of the human environment. In addition, it has been determined this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

A final rule was published in the *Federal Register* on July 1, 1982, that amended the cotton loan program regulations to provide that CCC would no longer publish in the *Federal Register* the packaging specifications acceptable to CCC for packaging cotton pledged to CCC for price support loans. Instead, CCC incorporated by reference, in accordance with 1 CFR Part 51, the specifications that were approved and published by the Joint Cotton Industry Bale Packaging Committee (JCIBPC) for 1982-crop cotton as acceptable to CCC

for packaging cotton pledged to CCC for 1982 price support loans.

The purpose of this final rule is to amend the cotton loan program regulations to incorporate by reference the specifications approved and published by the JCIBPC for 1984-crop cotton as acceptable to CCC for packaging cotton pledged to CCC for 1984 price support loans. Therefore, CCC is incorporating these packaging specifications by reference in accordance with 1 CFR Part 51.

Copies of the specifications published by the JCIBPC will be made available to the public upon request by that Committee and by county ASCS offices.

List of Subjects in 14 CFR Part 1427

Cotton, Loan programs—Agriculture, Packaging and containers, Price support programs, Surety bonds, Warehouse.

PART 1427—[AMENDED]

Final Rule

Accordingly, the regulations at 7 CFR 1427.5(l) are amended to read as follows:

§ 1427.5 Eligible cotton.

(l) Each bale must be packaged in materials which meet the specifications adopted and published by the Joint Cotton Industry Bale Packaging Committee (JCIBPC), sponsored by the National Cotton Council of America, for bale coverings and bale ties or must be packaged in material and/or bale coverings and bale ties which are identified and approved by the JCIBPC as experimental packaging material. Heads of bales must be completely covered. Copies of the 1984 Specifications for Cotton Bale Packaging Materials published by the JCIBPC which are incorporated by reference are available to the public upon request at the county ASCS office and at the following address: Joint Cotton Industry Bale Packaging Committee, National Cotton Council of America, P.O. Box 12285, Memphis, Tennessee 38112. Information with respect to experimental packaging material may be obtained from JCIBPC.

Authority: Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 101, 103, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444, 1421); Sec. 602, 91 Stat. 934 (7 U.S.C. 1444).

Signed at Washington, D.C., June 15, 1984.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84-16386 Filed 6-19-84; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R-0521]

Delegation of Authority Regarding Allocated Transfer Risk Reserves

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending 12 CFR Part 265, its Rule Regarding Delegation of Authority, to delegate to the Director of the Division of Banking Supervision and Regulation the authority to determine the need for establishment and the amount of any allocated transfer risk reserves against certain international assets, pursuant to the International Lending Supervision Act of 1983 and the Board's Regulation K (12 CFR 211.43(b)), and to notify banking institutions of such determination.

EFFECTIVE DATE: June 14, 1984.

FOR FURTHER INFORMATION CONTACT: Michael G. Martinson, Projects Manager, International Activities, Division of Banking Supervision and Regulation (202/452-3621) or Kathleen M. O'Day, Senior Counsel, Legal Division (202/452-3786), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: In February 1984, the Board, together with the other Federal banking agencies, adopted uniform rules to implement section 905(a) of the International Lending Supervision Act of 1983 (12 U.S.C. 3904(a)) which requires that banking institutions maintain special reserves against certain international assets subject to transfer risk. The uniform rules provide that the agencies will jointly determine which international assets are subject to risk such that establishment of an "allocated transfer risk reserve" ("ATRR") is warranted. The determination would be based on whether the quality of the asset is impaired due to the protracted inability of public or private obligors in a foreign country to make orderly payments on external indebtedness or where no definite prospects exist for orderly restoration of debt service (12 CFR 211.43). The Board's regulation also provides that the Board will notify each banking institution holding assets subject to an ATRR of the amount of the ATRR to be established and whether an ATRR may be reduced.

The Board has determined to delegate authority to the Director of the Board's Division of Banking Supervision and Regulation to make the determination of the need for establishment and the amount of an ATRR against certain international assets. The determination will be based on regular review of country credits made in accordance with examination procedures established jointly by the agencies, and will be made after consultation with appropriate personnel at the other federal banking agencies.

The provisions of 5 U.S.C. 553 relating to notice, public participation and deferred effective date are not followed in connection with the adoption of these amendments because the changes involved are procedural in nature and do not constitute substantive rules subject to the requirement of that section.

List of Subjects in 12 CFR Part 265

Authority delegations (Government agencies), Banks, Banking, Federal Reserve System.

PART 265—[AMENDED]

Pursuant to its authority under the International Lending Supervision Act of 1983 (12 U.S.C. 3901 *et seq.*), the Federal Reserve Act (12 U.S.C. 221 *et seq.*), and the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841 *et seq.*), the Board of Governors amends its Rules Regarding Delegation of Authority (12 CFR Part 265) by adding a new section, § 265.2(c)(32) to read as follows:

§ 265.2 Specific functions delegated to Board Employees and to Federal Reserve Banks.

(c) * * *

(32) Under the provisions of Subpart D of the Board's Regulation K (12 CFR Part 211), to determine the need for establishment and the amount of any allocated transfer risk reserve against certain international assets and to notify banking institutions of the determination and the amount of such reserve and whether such reserve may be reduced.

By order of the Board of Governors of the Federal Reserve System, June 14, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-16388 Filed 6-19-84; 8:45 am]

BILLING CODE 6210-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 291

[Economic Reg. Amdt., No. 16 to Part 291; Docket 41797; Reg. ER-1380]

Domestic Cargo Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB exempts air carriers providing interstate cargo transportation within Alaska and within Hawaii from the statutory prohibition against unjust discrimination in air service. These are the only direct carriers still subject to the prohibition in domestic transportation. This action would make the treatment of all carriers consistent.

DATES: Effective: July 20, 1984. Adopted: May 31, 1984.

FOR FURTHER INFORMATION CONTACT:

Lawrence Myers, Pricing and Entry Division, 202-673-5205; or David Schaffer, Office of General Counsel, Rules and Legislation, Civil Aeronautics Board, 1825 Connecticut Ave. NW., Washington, D.C., 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: In notice of proposed rulemaking EDR-469 (48 FR 54647, December 6, 1983), the Board proposed to exempt carriers providing interstate cargo transportation within the States of Hawaii or Alaska from section 404(b) of the Act, which prohibits unjust discrimination in air transportation. It also proposed exempting U.S. and foreign indirect cargo carriers from section 404(b) for their U.S. operations. DHL Cargo filed the only comment in response to the EDR-469, supporting the proposal to exempt intra-Hawaii and intra-Alaska services. No other comments were filed.

Under section 1601 of the Federal Aviation Act domestic passenger service, including that in Hawaii and Alaska, is no longer subject to section 404(b). The Board has by rule exempted domestic direct cargo air carriers (except in those States) from section 404(b). As with other domestic cargo transportation, there is no longer any reason to distinguish between cargo and passenger service in Hawaii and Alaska in this regard.

There is now intense competition among both cargo carriers and forwarders. This gives them an incentive to provide good service at fair rates to all shippers. Discrimination that would be prohibited by the Act is therefore unlikely to be a problem.

In addition, since other carriers in domestic transportation are exempt from section 404(b), carriers and shippers might be faced with

controversies as to whether the statutory prohibition applies. It is anomalous and potentially confusing for shippers in one or two States to be able to file a complaint with the Board, while other shippers are unable to do so. Further, on flights within Alaska or Hawaii, much of the traffic will later be moving through other states and thus subject to different common law and statutory proscriptions on treatment of customers and the marketing and sale of their services. Apart from early transition problems, there has not been any evidence of substantial problems for shippers because of an exemption from section 404(b).

The Board is also exempting indirect cargo air carriers from section 404(b). These carriers, such as forwarders, accept a shipment and then transport it on a direct carrier. Since the direct carrier is exempt from section 404(b) for domestic transportation, shippers could thus be subject to differing procedures and standards. The reasons set forth above pertaining to the exemption for carriers in Hawaii and Alaska also justify exempting indirect cargo carriers from section 404(b) for domestic transportation.

The Board authorizes foreign indirect air carriers, under Part 297, to operate in domestic air transportation if their home country grants equivalent rights to U.S. indirect air carriers. In general, the Board's policy has been to allow both classes to compete on the same terms, once the authorization is granted. The Board is therefore exempting foreign forwarders from section 404(b) as well.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-354, the Board certifies that these changes will not have a significant economic impact on a substantial number of small entities. Small air carriers, such as air taxi operators, are already exempt from this provision. The effect on small shippers should also not be significant since the type of discrimination that the Board would consider to be in violation of section 404(b) is unlikely to frequently occur. PS-93, 45 FR 36059, May 20, 1980.

List of Subjects in 14 CFR Part 291

Air carriers, Antitrust, Freight, Insurance, Reporting requirements.

PART 291—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 291, *Domestic Cargo transportation*, as follows:

1. The authority for Part 291 is:

Authority: Secs. 101, 102, 204, 401, 407, 408, 416, 418, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 766, 767; 49 U.S.C. 1301, 1302, 1324, 1371, 1377, 1378, 1386, 1388.

2. Paragraph (a)(2) of § 291.31 is revised to read:

§ 291.31 Exemptions from the Act for direct air carriers.

(a) * * *

(2) Section 404, except for the requirement to provide safe and adequate service, equipment, and facilities in connection with domestic cargo air transportation.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-16487 Filed 6-19-84; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 296

[Economic Reg. Amdt. No. 2 to Part 296; Docket 41797; Reg. ER-1381]

Indirect Air Transportation of Property

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB exempts indirect cargo air carriers from the statutory prohibition against unjust discrimination in their domestic cargo operations. These are the only carriers still subject to the prohibition in domestic transportation. This rule makes the treatment of all carriers and shippers consistent.

DATES: Effective: July 20, 1984. Adopted: May 31, 1984.

FOR FURTHER INFORMATION CONTACT:

Lawrence Myers, Pricing and Entry Division, 202-673-5205; or David Schaffer, Office of General Counsel, Rules and Legislation Division, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION: For the reasons stated in ER-1380, issued contemporaneously, the Board is exempting indirect cargo air carriers from the statutory prohibition against unjust discrimination in their domestic operations.

List of Subjects in 14 CFR Part 296

Air carriers, Antitrust, Freight, Freight forwarders, Insurance, Reporting requirements.

PART 296—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 296, *Indirect Air Transportation of Property*, as follows:

1. The authority for Part 296 is:

Authority: Secs. 101, 102, 204, 408, 409, 416, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 767, 768, 771, 49 U.S.C. 1301, 1302, 1324, 1378, 1379, 1386.

2. Paragraph (a)(3) of § 296.10 is revised to read:

§ 296.10 Exemption from the Act.

(a) * * *

(3) Subsection 404(b) (nondiscrimination) with respect to foreign air transportation.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-16488 Filed 6-19-84; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 297

[Economic Reg. Amdt. No. 7 to Part 297; Docket 41797; Reg. ER-1382]

Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB exempts foreign indirect cargo air carriers from the statutory prohibition against unjust discrimination in their domestic U.S. service. All U.S. cargo carriers are exempt from this provision. This action makes the treatment of all cargo services within the United States the same in this respect, removing the potential for conflicting rules for carriers and confusion for shippers.

DATES: Effective: July 20, 1984. Adopted: May 31, 1984.

FOR FURTHER INFORMATION CONTACT:

Lawrence Myers, Pricing and Entry Division, 202-673-5205; or David Schaffer, Office of General Counsel, Rules and Legislation Division, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION: For the reasons stated in ER-1380, issued contemporaneously, the Board is exempting indirect foreign cargo air carriers from the statutory prohibition against unjust discrimination in their domestic operations.

List of Subjects in 14 CFR Part 297

Air carriers, Air transportation—foreign, Freight, Freight forwarders, Insurance, Reporting requirements.

PART 297—[Amended]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 297, *Foreign Air Freight Forwarders and Foreign*

Cooperative Shippers Associations, as follows:

1. The authority for Part 297 is:

Authority: Secs. 204, 416, Pub. L. 85-726, as amended, 72 Stat. 743, 92 Stat. 1731, 1732; 49 U.S.C. 1324, 1386.

2. A new § 297.10(a)(6) is added, to read:

§ 297.10 Exemption from the Act.

(a) * * *

(6) Subsection 404(b) (nondiscrimination) with respect to interstate and overseas air transportation.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-16489 Filed 6-19-84; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 6918]

American Home Products Corporation: Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on September 9, 1981 (98 F.T.C. 136), modified April 8, 1983 (101 F.T.C. 698) so that its basic provisions are in parity with the Commission's order in *Bristol-Myers Company*, Docket 8917 and *Sterling Drug, Inc.*, Docket 8919. Under the modified order, the company must have a reasonable basis consisting of reliable scientific evidence for all therapeutic performance or safety claims. The previous order covered such claims only if they compared one product to another.

DATES: Final order issued September 9, 1981; modified April 8, 1983; modified June 7, 1984.

FOR FURTHER INFORMATION CONTACT: FTC/H 407, Robert Cheek, Washington, D.C. 20580, (202) 376-8720.

SUPPLEMENTARY INFORMATION: In the Matter of American Home Products Corporation, a corporation. Codification appearing at 48 FR 19369, remains unchanged.

List of Subjects in 16 CFR Part 13

Analgesics, Trade practices.

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

Commissioners: James C. Miller III, Chairman, Michael Pertschuk, Patricia P. Bailey, George W. Douglas, Terry Calvani. In the matter of American Home Products Corporation, a corporation; Docket No. 8918; order reopening the proceeding and modifying cease and desist order.

Respondent American Home Products Corporation in a "renewed request" filed on January 27, 1984, petitioned to reopen these proceedings and modify the Order. This request was placed on the public record for comment, with no comments filed.

On April 5, 1984, pursuant to discussion with Commission staff, respondent filed a proposed Order which was agreed to by staff. This proposed Order suggests changes in the Modified Order to Cease and Desist of April 8, 1983, as modified by Order of February 7, 1984. The proposed Order adds a new paragraph 1(A)(4) and substitutes new language for paragraphs 1(B), III, and IV. With these modifications the basic provisions of this Order will be in general parity with the Commission's Orders in *Bristol-Myers Company*, Docket No. 8917 and *Sterling Drug, Inc.*, Docket No. 8919.

The Commission being of the opinion that the public interest would be served by such reopening of the proceedings;

Now, therefore, it is ordered, that the proceedings in Docket No. 8918 be, and they hereby are, reopened; and

It is further ordered, that the Order in Docket No. 8918 be substituted as to respondent American Home Products Corporation by a modified Order as follows:

Order

I

It is ordered that respondent American Home Products Corporation, its successors and assigns and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of "Anacin," "Arthritis Pain Formula," or any other non-prescription internal analgesic product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Making any representation, directly or by implication, that a claim concerning the superior effectiveness or superior freedom from side effects of such product has been established or proven unless such representation has been established by two or more adequate and well-controlled clinical investigations, conducted by independent experts qualified by

training and experience to evaluate the comparative effectiveness or comparative freedom from side effects of the drugs involved, on the basis of which it could fairly and responsibly be concluded by such experts (1) that the drug will have the comparative effectiveness or freedom from side effects that it is represented to have, and (2) that such comparative effectiveness or freedom from side effects is demonstrated by methods of statistical analysis, and with levels of confidence, that are generally recognized by such experts. The investigations shall be conducted in accordance with the procedures set forth below:

At least one of the adequate and well-controlled clinical investigations to evaluate the comparative effectiveness of the drug shall be conducted on any disease or condition referred to, directly or by implication; or, if no specific disease or condition is referred to, then the adequate and well-controlled clinical investigations shall be conducted on at least two conditions or diseases for which the drug is effective. The clinical investigation shall be conducted as follows:

1. The subjects must be selected by a method that:

a. Provides adequate assurance that they are suitable for the purposes of the investigation, and diagnostic criteria of the condition to be treated (if any);

b. Assigns the subjects to the test groups in such a way as to minimize bias; and

c. Assures comparability in test and control groups of pertinent variables, such as age, sex, severity or duration of disease or condition (if any), and use of drugs other than the test drugs.

2. The investigations must be conducted double-blind, and methods of double-blinding must be documented. In addition, the investigations shall contain a placebo control to permit comparison of the results of use of the test drugs with an inactive preparation designed to resemble the test drugs as far as possible.

3. The plan or protocol for the investigations and the report of the results include the following:

a. A clear statement of the objective of the investigation;

b. An explanation of the methods of observation and recording of results, including the variables measured, quantitation, assessment of any subject's response and steps taken to minimize bias on the part of subject and observer;

c. A comparison of the results of treatments or diagnosis with a control in such a fashion as to permit quantitative evaluation. The precise nature of the

control must be stated and an explanation given of the methods used to minimize bias on the part of the observers and the analysts of the data.

d. A summary of the methods of analysis and an evaluation of data derived from the study, including any appropriate statistical methods.

4. A test of investigation which is not conducted in accordance with these procedures may be used to establish a claim only if respondent can show that, notwithstanding the failure to satisfy these procedures, the test or investigation would still be generally accepted by the relevant scientific community as sufficient to establish the truth of the claim.

B. Making any therapeutic performance or freedom from side effects claim for such product unless respondent possesses a reasonable basis for making that claim. A reasonable basis for such a claim shall consist of competent and reliable scientific evidence supporting that claim. Well-controlled clinical tests conducted in accordance with the criteria set forth in Order Paragraph 1A shall be deemed to constitute a reasonable basis for a claim.

II

It is further ordered that respondent American Home Products Corporation, its successors and assigns and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of "Anacin," "Arthritis Pain Formula," or any other non-prescription drug product, in or affecting commerce, as "commerce" and "drug" are defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Making any representation, directly or by implication, that such product contains any unusual or special ingredient when such ingredient is commonly used in other non-prescription drug products intended for the same use or uses as the product advertised by respondent.

B. Making any false representation that such product has more of an active ingredient than any class of competing products.

C. Misrepresenting in any manner any test, study or survey or any of the results thereof, concerning the comparative effectiveness or freedom from side effects of such product.

III

It is further ordered that respondent American Home Products Corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution of "Anacin," or "Arthritis Pain Formula," or any other nonprescription internal analgesic in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from falsely representing that the analgesic ingredient in an aspirin-containing product is different from aspirin or otherwise misrepresenting the identity of any analgesic ingredient. It shall be a violation of this paragraph to contrast the analgesic ingredient of a product which contains aspirin with the analgesic ingredient of another product if that product also contains aspirin, unless respondent discloses clearly and conspicuously that the analgesic ingredient in its product is aspirin. This provision shall not become effective until Orders in Dockets 8917 and 8919 have become final.

IV

If the Commission makes any changes in the Orders entered in Dockets 8917 and 8919, respondent American Home Products Corporation may petition the Commission to make similar changes in the corresponding provisions, if any, of this Order. This paragraph shall not be deemed to limit respondent's right to petition for modification pursuant to any applicable statute or regulation.

V

It is further ordered that respondent American Home Products Corporation, shall notify the Commission at least thirty (30) days prior to any proposed change in the respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations under this Order.

It is further ordered that the respondent herein shall within sixty (60) days after service of this Order, and at such other times as the Commission may require, file with the Commission a written report setting forth in detail the manner and form in which it has complied or intends to comply with this Order.

Issued: June 7, 1984.

By the Commission.

Emily H. Rock,
Secretary.

[FR Doc. 84-16451 Filed 6-19-84; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Dkt. C-3134]

National Association of School Music Dealers, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a trade association comprised of dealers specializing in the sale and servicing of school band instruments, to cease taking any action or encouraging its members to take any action which would interfere with how, or to whom a manufacturer distributes its products.

DATE: Complaint and Order issued May 31, 1984.¹

FOR FURTHER INFORMATION CONTACT: FTC/CS-3, Thomas Keary, Washington, D.C. 20580, (202) 724-1278.

SUPPLEMENTARY INFORMATION: On Tuesday, March 20, 1984, there was published in the *Federal Register*, 49 FR 10271, a proposed consent agreement with analysis in the Matter of National Association of School Music Dealers, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Combining or Conspiring: § 13.385 To boycott seller-suppliers; § 13.388 To control allocations and solicitation of customers; § 13.395 To control marketing practices and conditions; § 13.410 To eliminate competition in conspirators' goods; § 13.475 To restrict competition in buying. Subpart—Controlling, Unfairly, Seller-Suppliers: § 13.530 Controlling,

unfairly, seller-suppliers. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records.

List of Subjects in 16 CFR Part 13

Musical instruments, Trade practices.

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

Emily H. Rock,
Secretary.

[FR Doc. 84-16456 Filed 6-19-84; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 229

[Release Nos. 33-6538; 34-21050; 35-23329; File No. S7-991]

Electric and Gas Utility Industry Guides

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of Amendments to Industry Guides.

SUMMARY: The Securities and Exchange Commission today authorized the adoption of an amendment to the Industry Guides relating to electric and gas utilities. The amendment will require electric and gas utilities who issue common stock at a price below underlying book value to disclose, where material, the extent of dilution, its causes and its effects on their business. Such disclosure will enhance understanding of their financial condition.

EFFECTIVE DATE: July 20, 1984.

FOR FURTHER INFORMATION CONTACT: Prior to effective date Elliot Pinta, (202) 272-2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. After the effective date, Cecilia Blye, (202) 272-2573, Office of the Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today authorized the adoption of amendments to Industry Guide 1 under the Securities Act of 1933 (the "Securities Act")¹ and the Securities

¹ Copies of the Complaint and the Decision and Order filed with the original document.

¹ 15 U.S.C. 77a et seq.

Exchange Act of 1934 ("Exchange Act") (the "Industry Guides").² Both Industry Guides pertain to registration statements and reports filed by electric or gas utilities.³ The Guides are amended to instruct registrants to disclose, in a format of their choosing, the extent of dilution resulting from the issuance of equity securities at a price below underlying book value per share, the reasons for the dilutive issuance and its effect on the registrant's business including its financing plans, pending construction and rate base. The Commission has determined not to adopt the proposed tabular reconciliations or to amend the Instructions to the "Management's discussion and analysis of financial condition and results of operations."

I. Background

On September 28, 1983,⁴ the Commission published for comment a proposal to require both periodic and transactional disclosure of the effects on book value per share and earnings per share where electric and gas utilities issue equity securities at a price below underlying book value per share. The proposal was in response to a rulemaking petition filed by the California Association of Utility Shareholders ("CAUS"). The Commission proposed to amend the Industry Guides to require inclusion in registration statements under the Securities Act and periodic filings under the Exchange Act of a tabular reconciliation of pre- and post-issuance book value per share and earnings per share adjusted for dilution where equity securities are, or during the reporting period were, issued at a price below underlying book value. The Commission also proposed to include in the Industry Guides a precatory note instructing registrants that any material impact of dilutive issuances may necessitate a discussion in the "Management's discussion and analysis of financial condition and results of operations".⁵ CAUS premised its proposal on the belief that book value disclosure was particularly relevant to shareholders of registrants subject to rate regulatory

proceedings where the allowed rate of return is based on capitalization. In their view, a shareholder's real income is measured by the dividends received plus the change in book value per share. Where sales of shares below book value have taken place, equity is transferred from existing shareholders to new shareholders and real income, CAUS stated, can be significantly lower than reported earnings per share. Therefore, CAUS argued, adoption of the proposals was necessary to fully inform existing shareholders and to alert rate regulators to the impact of dilution on shareholders' equity.

At the same time, the proposing release noted that many doubts exist regarding the informational value of book value per share data to unsophisticated investors, as well as the validity of the asserted relationship between book value per share and a rate regulated entity's earnings per share. The Commission solicited responses to a series of questions addressing these uncertainties.⁶ While not discounting the effects of dilution, the release stated that the question appears not to be one of disclosure versus non-disclosure but rather one of emphasis.⁷

II. Discussion

The majority of the commentators opposed adoption of the proposal. In particular, they questioned that aspect requiring inclusion of the proposed book value per share and earnings per share reconciliations in periodic or transactional filings.⁸

The proposals' supporters argued, as did CAUS, that the tabular disclosures were necessary to fully inform shareholders and rate regulatory bodies of the effects of dilutive equity issuances on earnings. In their view, periodic earnings are overstated unless they take into account the effects of dilution.

The commentators opposing adoption asserted that the information to be disclosed was of questionable value in investment decisionmaking to all but the

most sophisticated investors and that the reconciliations were potentially misleading and inaccurate. In addition, these commentators questioned the validity of the asserted relationship between book value per share and periodic income as well as the ability of the proposed tables to accurately reflect the causes and consequences of dilution and dilutive stock issuances. At the same time, many of the same commentators noted that they already voluntarily provide some book value data to shareholders and discuss the causes and effects of dilutive issuances where those effects are material.

In light of the above, the Commission has determined to amend the Industry Guides to require that registrants subject to those Guides discuss, where material, the extent, causes and consequences of dilution resulting from equity issuances. At the same time, the Commission has determined not to require inclusion of the proposed tabular reconciliations for book value per share and adjusted periodic earnings per share.

A. Amendment to Guides

Many registrant commentators, most of whom opposed adoption of the proposal, agreed with CAUS that utilities periodically have been required to issue equity securities at a price below book value and that, as a result, their existing shareholders' equity investment has been diluted. While questioning the need for mandatory disclosure of book value per share data, these commentators agreed that disclosure should be made of the material effects of dilutive issuances. The Commission agrees and has determined that disclosure, where material, of the extent, causes and effects of equity issuances at a price below book value will enhance a reader's understanding of the registrant's financial condition.

The Commission has determined that the appropriate implementation of this disclosure requirement is through amendment to Industry Guide 1. The Commission has concluded that, as a consequence of the rate regulatory process, electric and gas utility book values bear a closer relationship to the economics of doing business than do the book values of nonregulated enterprises. As a consequence, a utility's dilutive issuances may assume greater significance. While dilutive equity issuances are not unique to the utility industry, nor universal even among utility registrants, utilities are subject to certain operating conditions—rate regulation; limitations on diversification;

² The questions concerned: (1) The value of book value data to investment decision-making; (2) the need for additional disclosure of book value data, if any; and (3) the scope and format of such additional disclosure, if any.

³ The proposing release noted that should any investor be interested in ascertaining book value, and comparing it to either issue price or book value in a prior period, it can easily be obtained by simple arithmetic computation from figures already disclosed in prospectuses and annual reports.

⁴ The Commission received fifty-three comment letters in response to the proposal. The comment letters and a summary of the comments prepared by the staff are available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C., 20549. (See File No. S7-991)

⁵ 15 U.S.C. 78a et seq.

⁶ The Industry Guides do not constitute Commission rules; they represent practices followed by the Division of Corporation Finance in administering the disclosure requirements of the Federal Securities laws.

⁷ Release No. 33-6482 (September 28, 1983) [48 FR 44224].

⁸ Item 303 of Regulation S-K, 17 CFR 229.303. The Commission proposal differed in some respects from CAUS's petition. A discussion of that petition, as well as an explanation of the differences between the petition and the Commission's proposal, can be found in the proposing release.

long-term construction commitments; singular emphasis on rate increases as a source of improved earnings—which do not pertain to registrants generally. Therefore, the Commission has decided to implement this disclosure requirement through amendment to Industry Guide 1. At the same time, the Commission notes that, with respect to other registrants, facts and circumstances may warrant similar disclosure.

Registrants may use a narrative, tabular or other format or combination of formats to present this information. The amendments require that the disclosure be provided in Securities Act and Exchange Act registration statements and in Exchange Act reports. The disclosure may be provided within those documents wherever the registrant deems most appropriate, either separately or in conjunction with other required information.

B. Reconciliations

The Commission has determined not to require inclusion of the proposed book value per share and periodic earnings per share reconciliations and is withdrawing that aspect of the proposal, because it: (1) Is potentially misleading; (2) is premised on a direct relationship between periodic earnings and book value per share that is of questionable validity; and (3) confers undue prominence on the book value per share figure.

The Commission also has determined not to adopt the proposed adjusted earnings per share reconciliation. The Commission believes that the reconciliation is misleading in that it: (1) Adjusts an income statement disclosure requirement, earnings per share, for changes in a balance sheet derived amount, book value per share, to produce a hybrid figure with no accepted accounting analogue; and (2) uses the term "dilution", in the context of earnings per share, in a manner inconsistent with that prescribed by Accounting Principles Board Opinion No. 15, Earnings Per Share.

III. Regulatory Flexibility Act

The Chairman of the Commission has certified in connection with the proposed amendments to the Industry Guides that, if adopted, they would not have a significant economic impact on a substantial number of small entities.

IV. Statutory Basis

The Commission hereby authorizes adoption of the amendments to the Industry Guides pursuant to its statutory authority under sections 7, 10 and 19(a) of the Securities Act of 1933 and

sections 12, 13, 15(d) and 23(a) of the Securities Exchange Act of 1934.

As required by section 23(a) of the Exchange Act, the Commission has considered the impact that these rulemaking actions would have on competition and has concluded that they would impose no significant burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

List of Subjects in 17 CFR Part 229

Reporting and recordkeeping requirements, Securities.

Text of Amendments

In accordance with the foregoing, the Securities Act Industry Guides and the Exchange Act Industry Guides are amended as follows:

Securities Act Industry Guides

Disclosure by Electric and Gas Utilities

Guide 1. 1. Disclosure of Principal Sources of Electric and Gas Revenues— [Text unchanged from existing Guide 1].

2. In registration statements under the Securities Act registering equity securities for issuance at a price below underlying book value per share, describe, where material, the extent, causes and effects, if any, on the registrant's business including its future financing plans or capabilities and pending construction projects, resulting from such issuance.

Exchange Act Industry Guides

Disclosure by Electric and Gas Utilities

Guide 1. 1. Disclosure of Principal Sources of Electric and Gas Revenues— [Text unchanged from existing Guide 1].

2. In registration statements filed on Form 10, reports on Form 10-K or annual reports to security holders pursuant to Rule 14a-3 where, during the reporting period, equity securities have been issued and sold at a price below underlying book value per share, describe, where material, the extent, causes and effects, if any, on the registrant's business including its future financing plans or capabilities, and pending construction projects, resulting from such issuance(s).

(Secs. 7, 10 and 19(a) of the Securities Act of 1933 and secs. 12, 13, 15(d) and 23(a) of the Securities Exchange Act of 1934)

By the Commission.

George A. Fitzsimmons,
Secretary.

June 15, 1984.

Securities and Exchange Commission
Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission,

hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to the Industry Guides set forth in Securities Act Release No. 6538, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that the proposed amendments only affect the Securities Act of 1933 and Securities Exchange Act of 1934 filings of gas and electric utilities which, for economic reasons, are always of such size that they do not constitute "small entities" as defined in Securities Act of 1933 Rule 157 (17 CFR 230.157) and Securities Exchange Act of 1934 Rule 0-10 (17 CFR 240.0-10).

Dated: June 14, 1984.

John S.R. Shad,
Chairman.

[FR Doc. 84-16474 Filed 6-19-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 300

[Docket No. RM80-40-000; Order No. 382]

Filing Requirements and Procedures for Approving the Rates of Federal Power Marketing Administrations

Issued June 12, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is adopting procedures and filing requirements for the final approval of rates submitted by power marketing administrations (PMA's). These power marketing administrations include the Alaska Power Administration, the Southeastern Power Administration, the Southwestern Power Administration, and the Western Area Power Administration. The Commission is adopting substantially the same filing and procedural requirements for the other PMA's that were adopted for the Bonneville Power Administration (BPA) in 1983, with minor modifications as appropriate. Both BPA's and the PMA's requirements are integrated into Part 300 of the Commission's regulations.

EFFECTIVE DATE: July 20, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Malloy, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street,

NE., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, J. David Hughes, A. G. Sousa and Oliver G. Richard III.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is establishing procedures and filing requirements for approving rates submitted to the Commission by the Alaska Power Administration (APA), the Southeastern Power Administration (SEPA), the Southwestern Power Administration (SWPA), and the Western Area Power Administration (WAPA) (collectively referred to as PMAs).¹ These filing requirements are substantially the same as those adopted by the Commission for the Bonneville Power Administration (BPA). The rate filings of BPA and the PMAs are governed by various statutes and there are therefore several different procedural requirements for PMAs. The similarities in the operations and rates of BPA and the PMAs nevertheless justify integrating both the PMA filing and procedural requirements into Part 300 of the Commission's regulations, the part currently containing only BPA requirements.

II. Background

Prior to the Department of Energy Organization Act (DOE Act), 42 U.S.C. 7101-7552 (1982), the Federal Power Commission (FPC) reviewed and approved the rates of the APA, BPA, SEPA, and SWPA (but not WAPA). The FPC never issued rules governing the procedures or filing requirements for the review of the rates of these PMAs.

Under the DOE Act, the primary responsibility for reviewing the rates of all PMAs, including WAPA, resides in the Department of Energy (DOE).² 42 U.S.C. 302(a) (1982). The Secretary of DOE has delegated rate review responsibilities to this Commission.³ The

Commission's primary task in reviewing rates is to assure that the rates adequately meet the PMA's repaying obligation to the Federal Treasury.

This Commission has never issued rules governing the filing requirements or procedures for rates of PMAs. The lack of uniform filing requirements has led to deficiencies in the content of some filings. The Commission must frequently await additional data before it can reach a decision, thereby creating delays and uncertainties. Even if filings are adequate, however, disparities among the PMA filings makes Commission review difficult, and parties have been confused about which procedures will be followed.

The Commission issued a proposed rule on October 21, 1983, to rectify these problems. It proposed standard procedures and filing requirements for the submittal, review, and approval of rates submitted by all PMAs.⁴ The Commission proposed the same filing requirements and similar procedural requirements for PMAs that it adopted for BPA.⁵ The Commission emphasized that, if provisions were applicable only to BPA, the PMA rule would be modified. In particular, the Commission anticipated that BPA's special interim approval procedures, special hearing requirements for rates of non-regional customers, and interest rate for refunds provision would not be applied to other PMA.⁶

⁴ Procedures and Filing Requirements for Rates of Power Marketing Agencies, 48 FR 49301 (October 25, 1983) (Notice of Proposed Rulemaking). The comment period for this proposed rule was due to close on December 20, 1983, but was extended to February 6, 1984. Extension of Time for Comments, Procedures and Filing Requirements for Rates of Power Marketing Agencies, 48 FR 56777 (December 21, 1983).

⁵ Confirmation and Approval of the Rates of Bonneville Power Administration, 48 FR 37006 (August 16, 1983) (Final Rule).

⁶ In addition to proposing filing requirements and procedures for rates of PMAs, the Commission also discussed four substantive issues relating not only to the four PMAs, but to BPA as well. In particular, the Commission discussed the adequacy of using power repayment studies to insure that the Federal investment in power projects is paid in a timely and fair manner, repaying high interest investments before paying off low interest investments, amortizing missed payments to the Federal Treasury over the remaining repayment period, and the applicability of the *ex parte* rule to PMA proceedings. The Commission stated that it was not making proposals on these issues, but rather hoped to elicit comment that might be helpful in formulating a proposal in the future. Accordingly, the Commission is not taking any action on these issues in this rule, but will take the comments it received on these issues under advisement for future consideration.

The Commission received 26 comments on its proposed rule—three from trade associations representing electric utilities, three from PMAs, including BPA, two from state agencies, twelve from PMA customers, four from federal government agencies, including DOE, and two miscellaneous comments.

III. Discussion

A. The Final Rule

The Commission is adopting as a final rule most aspects of its proposed rule—in major part, the filing requirements adopted for BPA and, with appropriate modifications, the procedures proposed for final approval of PMA rates. Subpart A of the rule establishes the applicability of the Part and various definitions used in the Part. Subpart B contains the filing requirements. These filing requirements include an explanation of the rate development process, the administrative record, various financial statements, and an analysis of the filed data. Subpart C establishes the procedures for final approval of a PMA's rate filing, including public participation requirements, the standards of review, and the range of action open to the Commission when reviewing the rate. The requirements that are being adopted for PMAs are being integrated into Part 300 of the rules that are already codified in the Code of Federal Regulations for BPA.

There are four differences between the procedural rules that will apply to BPA and those that will apply to other PMAs. The first difference relates to interim approval of rates. Under the Northwest Power Act, the Commission may grant interim approval to BPA's rates. The Commission has no similar authority as to other PMAs under the Secretary's Delegation Order; rather that authority is delegated to the Deputy Secretary of DOE. Thus, § 300.20 has been amended to make it clear that this Commission's grant of interim approval will be available only to BPA.

The second change relates to a special hearing requirement under section 7(k) of the Northwest Power Act for BPA's nonregional rates. No such special hearing requirements are mandated by the organic statutes applicable to the other PMAs, and §§ 300.20 and 300.21 have been amended to reflect this.

The third change relates to when a rate must be filed with this Commission. The Commission required that BPA file its rate and its request for interim approval 60 days prior to the proposed effective date. The timing for PMA filings is different since PMAs do not

¹ For purposes of this final rule, the Bonneville Power Administration (BPA) will not be included as part of the term "PMA".

² Under the DOE Act, authority over the rates of BPA resided in the Secretary of DOE. In 1980, the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. 839-839g (1982), transferred authority over BPA rates to this Commission. 16 U.S.C. 839e(a) (1982).

³ Delegation Order No. 0204-33, To the Assistant Secretary for Resource Applications and the Federal Energy Regulatory Commission, 43 FR 60636 (1978); Delegation Order No. 0204-108, To the Deputy Secretary, the Administrators of the Alaska, Southeastern, Southwestern, and Western Area Power Administrations and the Federal Energy Regulatory Commission, 48 FR 55664 (December 14, 1983).

request interim approval from this Commission, but rather from the Deputy Secretary of DOE. This Commission does not need to receive a PMA's filing until the Deputy Secretary grants interim approval. The Commission believes it is reasonable that a PMA file its rate for final approval not later than five days after interim approval is granted by DOE. If no interim approval is requested, the filing must be made 180 days prior to the proposed effective date.

The last change deals with the interest rate on refunds made by PMAs. For reasons discussed below, the Commission is adopting a methodology used by DOE which calculates an imputed interest rate based on the Federal government's cost of borrowing.

B. Comment Analysis

1. *Application of Part 300 Procedures and Requirements.* Commenters generally believed that it was beneficial for the Commission to develop uniform filing requirements, since it would make the Commission's procedures for approving the rate filings of PMAs more uniform and efficient, and would allow parties to these proceedings to participate in a more effective manner.

Several commenters, however, argued that it was inappropriate for the Commission to require that other PMAs follow BPA's filing requirements because of the different organic statutes that are applicable to these agencies. DOE argued that the regulations that apply to other PMAs should reflect the fact that some PMAs are considerably smaller than BPA and several PMAs file rates for individual projects, rather than on a system-wide basis.

BPA is regulated by a statutory scheme different from the other PMAs—the Pacific Northwest Electric Power Planning & Conservation Act, 16 U.S.C. 839–839g (1982). Many of the PMAs and specific projects administered by them have different statutory provisions that apply specifically to them.⁷ While commenters pointed out that PMAs are subject to different statutes, they did not discern any provision in those statutes which would alter the Commission's review procedures and thus necessitate different filing requirements.

The Commission believes that the similarities in the review procedures warrant similar filing requirements,

procedures, and policies applicable to all PMAs, including BPA. The Commission's twofold task in reviewing all PMA rate filings, including BPA's, is essentially the same: The Commission must make sure that the rates are high enough to pay back the investment made by the Federal Treasury in various PMA projects. The Commission must also review the rate for compliance with whatever legal standards (statutory or delegated) are applicable to the particular PMA or project. Although the PMAs are created and governed by different statutes that vest them with ratemaking authority, the Commission needs substantially the same type of financial, economic, and procedural information in each case.

There is another reason why the Commission believes it should standardize, whenever possible, the filing and procedural requirements that apply to all PMA rate cases. Standardized requirements make it easier and more efficient for the many people, including numerous Commission personnel, who must work with filings from different PMAs. Thus, whenever it is legally possible, the Commission believes it is good policy to develop standardized procedures and filing requirements for rates filed for all PMAs, including BPA.

Most PMA rates are developed to repay the cost of a federal investment and these new filing requirements are appropriate for all such rates. However, the Commission recognizes that, on rare occasions, e.g., a special contract rate or unit sale rate, it may be appropriate for a PMA to file its rates using support data different from that required by this rule. The Commission does not, however, believe it should establish a different set of filing requirements for these rates because of the difficulty of anticipating the precise nature of these rate filings. The Commission prefers to address the appropriateness of these filing requirements when these rates are filed. The Administrator may apply for a waiver (§ 300.13) in those situations when the uniform requirements are inappropriate and a more flexible approach is warranted. PMAs intending to use this waiver provision are encouraged to use the opportunity offered by § 300.2 to meet with the Commission's staff before they file such rates to discuss the necessity for a change in the filed information required by this final rule.

2. Effect of Delegation Order.

Several commenters argued that the Commission should not proceed directly to a final rule in this docket, but rather should allow an additional opportunity

for comment on the Commission's proposals, arguing that the Commission should withdraw its notice of proposed rulemaking in light of the Secretary of Energy's Delegation Order issued on December 13, 1983. These commenters generally believed that the Delegation Order so radically changed the Commission's authority over PMAs that the Commission should reconsider its entire proposal in light of the Delegation Order.

The Commission does not agree that any changed circumstances warrant an additional opportunity for comment. The Commission does not believe that the issuance of the Delegation Order changes the situation contemplated by the Commission's proposal so substantially that a new proposal should be made. The purpose of the proposal was only to establish uniform filing requirements and procedures for PMA rate filings. Consistent with this objective, the Delegation Order states that the "Commission may require the Administrator to provide any information relevant to the Commission's confirmation and review function." 48 FR at 55665. Although the Delegation Order affects this Commission by delineating the standards of review to be followed when reviewing PMA rates, the Commission believes that its fundamental obligation to review PMA rates is unchanged and that it will require the same kind of information to discharge even its revised review and approval duties. For example, under the Delegation Order, the Commission must review to determine:

(a) Whether the rates are the lowest possible to customers consistent with sound business principles; (b) whether the revenue levels generated by the rates are sufficient to recover the costs of producing and transmitting electric energy including the repayment, within the period of cost recovery permitted by law, of the capital investment allocated to power and costs assigned by Acts of Congress to power for repayment, and (c) the assumptions and projections used in developing the rate components that are subject to Commission review.

48 FR at 55665. These standards are similar to the Commission's traditional review standards under the relevant statutes. The Commission, therefore, does not believe that the Delegation Order necessitates withdrawal of its proposal and a new comment process.

3. *Adequate Opportunity for Comment.* Several commenters argued that the Commission's notice of proposed rulemaking was inadequate for either of two reasons. First, several commenters argued that the notice was

⁷ The statutes generally applicable to PMAs are the Flood Control Act of 1944, 16 U.S.C. 825s (1982) and the Reclamation Project Act of 1939, 43 U.S.C. 485–485k (1982). In addition to these statutes, there are numerous other statutory provisions governing specific projects or appropriations for projects. See, e.g., Colorado River Storage Project Act, 43 U.S.C. 620–620o (1982).

inadequate because it contained no regulatory text, but rather cross-referred to the regulatory text established for the BPA final rule. Second, other commenters argued that the Commission's proposal was too imprecise and vague to provide them an adequate opportunity to comment.

The Commission finds that the proposal was sufficiently specific to permit the public to discern and discuss the meaning and effect of the proposed rule. Section 553 of the Administrative Procedure Act requires that a notice of proposed rulemaking contain "either the terms or substance of the proposed rule or a description of the subjects and issues involved." 5 U.S.C. 553(b)(3) (1982). The DOE Act states that "notice of any proposed rule . . . shall be given by publication of such proposed rule . . . in the Federal Register." 42 U.S.C. 7191(b)(1) (1982).*

The Commission believes that it has complied with these requirements of the Administrative Procedure Act and the DOE Act and that it was not unfair to commenters to incorporate by reference the substance of the BPA final rule. The Commission's objective is to enable the public to evaluate the appropriateness of new requirements that would be applied to the four other PMAs. Because the BPA final rule was published in the Federal Register, the Commission believes that no procedural flaw exists as a result of the availability of the BPA filing and procedural requirements or their intended application to other PMAs.

The changes being made to the principal filing requirements and procedures in Part 300, other than those discussed above, are editorial and do not go to the substance of the filing requirements or procedures that will be imposed on PMAs. The Commission does not believe, therefore, that interested parties were denied a fair opportunity to comment on the Commission's proposal. Accordingly the Commission believes it has complied with the relevant legal requirements in its proposed rule.

4. *Interest Rate on Refunds.* The Commission proposed a uniform interest rate on refunds for PMAs, different than that adopted for BPA. The Commission nevertheless proposed using the same general approach for determining the interest rate to PMAs for refunds for overcollections that it adopted for BPA, that is, the cost of each PMA's borrowed money. The interest rate adopted by the

Commission for BPA is the interest rate charged to BPA by the U.S. Treasury during the period of overcollection. Other PMAs do not borrow directly from the U.S. Treasury, but rather finance projects through Congressional appropriations.

In developing the interest rate for refunds by PMAs, the Commission proposed adopting a methodology used by DOE which calculates an imputed interest rate based on the federal government's cost of borrowing. This methodology limited the annual increases in the interest rate to $\frac{1}{2}$ percent. Since the Commission's proposal was issued, DOE has revised its methodology so that it no longer contains the $\frac{1}{2}$ percent restriction. See Interest Rate Formula for PMAs, 48 FR 45827 (Oct. 7, 1983).

Several commenters agreed that the Commission should follow the DOE methodology which would adopt the government's rate of borrowing as the interest rate for refunds, especially since DOE had eliminated the $\frac{1}{2}$ percent restriction. Other commenters argued, however, that this rate was too low in that it did not take into consideration the customers' cost of borrowing, which is typically higher than the government's cost of borrowing, when calculating interest rates. Those commenters argued that the Commission should adopt the same interest rate charged to public utilities, that is, a rolling average prime rate found in 18 CFR 35.19a (1983).

The Commission is adopting the PMAs' cost of borrowing as the appropriate interest rate. First, the Commission believes this issue is somewhat academic since, to the extent that PMAs err, they typically file rates that are generally lower than necessary to pay back the Federal investment. To date, refunds have not been ordered in any PMA rate case. Secondly, since the proposal was issued, DOE has changed the method of calculating the imputed rates to eliminate the $\frac{1}{2}$ percent restriction that may have kept the interest rate on refunds unreasonably low. The revision now allows the imposition of an interest charge which more nearly reflects market rates and produces a result more similar to that applied to BPA. Thirdly, as the Commission noted when it adopted BPA's cost for borrowing as the appropriate interest rate on refunds made by BPA, the Commission continues to believe that PMAs' positions relative to the nation's financial markets are dissimilar to that of public utilities regulated under the Federal Power Act (FPA). The investments assigned to be repaid from

PMA revenues were made through the Congressional appropriation process, rather than from traditional capital markets. The interest rate adopted for refunds under the FPA, which reflects the cost of capital for private borrowing, would therefore be inappropriate for refunds by PMAs. Accordingly, the final rule uses the interest rate that would be charged to PMAs under the DOE methodology during the period of overcollection. The Commission notes, however, that under certain circumstances other rates may be more appropriate, and therefore the final rule, as it did for BPA, also allows the Commission to establish another interest rate, when deemed appropriate.

IV. Summary of the Final Rule

A. Subpart A—General Provisions

1. *Section 300.1—Applicability and Definitions.* Subpart A contains the general provisions of the rule. § 300.1(a) establishes the applicability of Part 300 to rate schedules of the PMAs, including BPA. This section also establishes that the Commission's rules of practice and procedure apply to PMA proceedings before the Commission. A reference to Part 385, which contains the rules of practice, makes clear that this reference relates to procedural regulations, rather than the general filing requirements under the FPA.⁹

Section 300.1(b) contains definitions.

2. *Section 300.2—Informal Conference.* Section 300.2 allows PMAs to meet with Commission staff prior to submitting an application for approval of a rate schedule. The Commission is amending the title of this section from "Staff Guidance" to "Informal Conference," to make it clear that the discussions are bilateral.

B. Subpart B—Filing Requirements

Subpart B of the final rule lists the documents required to be filed by the Administrator in any application for approval of rates.

1. *Section 300.10—Application for Confirmation and Approval.* Section 300.10 contains the general filing requirements. Paragraph (a)(1) delineates the contents of a filing. Paragraph (a)(2) allows the incorporation by reference of information that has previously been submitted to the Commission in substantially the same form. Paragraph

* When the Commission is issuing rules under authority delegated by the Secretary of DOE, it must also comply with the procedural requirements that would apply to DOE under section 501 of the DOE Act, 42 U.S.C. 7191 (1982).

⁹ The Commission has not yet resolved the issue of whether the Commission's *ex parte* rule (Rule 2201) should apply to PMA rate proceedings. The Commission will consider this issue when it considers revision of its general rules on *ex parte* communications and separation of functions for all Commission proceedings.

(a)(3) covers the time period for filing rates. This section requires the Administrator of a PMA to tender a request for approval of a rate not later than five days after interim approval of a rate not later than five days after interim approval is granted by DOE or 180 days prior to the proposed effective date if interim approval is not requested.

Paragraph (b) governs a PMA's letter requesting rate approval. This letter must specify the period for which approval is requested. This paragraph also requires that the letter include a brief description of the filed rates, estimates of annual sales and revenue, and a description of how the new rate differs from the existing rate.

Paragraph (c) establishes the contents of the notice that PMAs are required to file. This notice must be suitable for publication in the *Federal Register* and must contain summarized information relating to the filing.

Paragraph (d) establishes the contents of the rate schedules.

Paragraph (e) requires that PMAs file a statement of cost, if available, and revenue data for each class of service.

Paragraph (f) requires that either an explanation of the rate development process or an Administrator's Record of Decision be filed. The rule requires that these documents contain a calendar history of the filing, a discussion of issues raised, a discussion of all applicable statutory and regulatory requirements, and a description of the methodology used for determining revenue requirements. The final rule also requires that PMAs file the entire administrative record used in establishing the proposed rate.

Paragraph (g) requires that the PMA certify that the rates are consistent with applicable laws and are the lowest consistent with sound business principles.

Paragraph (h) of the final rule requires the Administrator to file with the Commission any other materials not specified in Subpart B which are otherwise relied upon in developing the rates filed by the Administrator or requested by the Office of Electric Power Regulation.

2. *Sections 300.11 and 300.12—Technical Support for the Rate Schedule.* Sections 300.11 and 300.12 establish the technical support filed by the Administrator in support of a request for approval. The supporting information is divided into data statements (§ 300.11) and analysis of that data (§ 300.12).

Section 300.11 specifies the content of six statements which provide the basic information that is necessary to develop a study to demonstrate that the

proposed rates are sufficient to assure repayment of the Federal investment and other costs over a reasonable period of years. The data statements are identified as: Statement A—Sales and Revenues; Statement B—Power Resources; Statement C—Capitalized Investments of Costs; Statement D—Interest Expenses and Repayment of Investments and Debt Capital; Statement E—Operation, Maintenance and Other Annual Expenses; and Statement F—Cost Allocations.

Section 300.12 requires the Administrator to provide an analysis of the information submitted in Statements A through F. The rule requires a revenue recovery study to demonstrate that the filed rates will assure repayment of the federal investment and other costs over a reasonable period of years. This section gives detailed instructions on the contents of a Power Repayment Study (PRS), if one is used. The final rule also requires that PMAs file a cost of service study if one is available.

3. *Section 300.13—Waiver of Filing Requirements.* Section 300.13 requires PMAs to file a statement requesting that the Commission waive any non-compliance in the filing or divergence from the Commission's filing requirements. The statement must also give the PMA's reasons for such a non-compliance or divergence.

C. Subpart C—Commission Rate Review and Approval

Subpart C establishes procedures that relate to the approval of rates. Section 300.20 covers interim approval for BPA. Section 300.21 covers final confirmation and approval for both BPA and the other four PMA's.

In addition to covering interim approval for BPA, § 300.20 also covered refunds (paragraph (c)(2)) and the interest rate on refunds (paragraph (c)(3)). The Commission is taking the paragraphs dealing with refunds and interest out of section 300.20 and inserting them into § 300.21, since these provisions do not relate to interim approval and these paragraphs will be amended to cover all PMAs. Section 300.20 now covers only interim approval for BPA.

Section 300.21 sets forth the procedures for final confirmation and approval of rates filed by all PMAs, including BPA. Paragraph (a) sets forth the Commission's procedures relating to public participation in final approval of a PMA's rates.

Paragraph (c) sets forth the standards of review for BPA's rates. Paragraph (d) sets forth the standards of review for other PMAs. The Commission has not delineated the specific standards of

review for other PMAs, but rather has stated more generally that it will review the rates "in accordance with the terms of any delegation made by the Secretary of Energy."

Paragraph (e) sets forth the range of actions the Commission may take on final approval of rates filed by PMAs.

Paragraph (f) sets forth the procedures to be followed if the Commission disapproves the filed rates. The Administrator will have 120 days to file substitute rates. The interim rate will remain in effect, subject to refund, pending approval of the substitute rates.

Paragraph (g) covers refunds and the interest rate on refunds.

Paragraph (h) states that the Commission will publish in the *Federal Register* its decision to approve or disapprove PMA's rates and will mail its decision to those persons on the Commission's service list.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA)¹⁰ requires certain statements, descriptions, and analyses of rules that will have "a significant economic impact on a substantial number of small entities."¹¹ The Commission is not required to make an RFA analysis if it certifies that a rule will not have such an impact.¹²

This final rule imposes requirements only on PMAs, which are not "small entities" under the appropriate RFA definition.¹³ The primary purpose of this rule is to establish procedures and filing requirements for the approval of PMA rates for compliance with statutory standards. These requirements are designed to avoid delays which in the past have accompanied the filing of PMA rates.

Since this rule applies only to PMAs and is procedural in nature, it will have little, if any, impact on small entities. Accordingly, the Commission certifies that this rule will not have "a significant economic impact on a substantial number of small entities."

VI. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501-3520 (1982) requires that certain information collection requirements be approved by the Office of Management and Budget (OMB) (for

¹⁰ 5 U.S.C. 601-612 (1982).

¹¹ *Id.* at § 605(a).

¹² *Id.* at § 605(b).

¹³ *Id.* at section 601(3), citing to section 3 of the Small Business Act, 15 U.S.C. 632 (1982). Section 3 of the Small Business Act defines "small business concern" as a business which is independently owned and operated and which is not dominant in its field of operation.

requests imposed on the public) or the General Services Administration (GSA) (for requests imposed on other agencies). See OMB's final rule, *Controlling Paperwork Burdens on the Public*, 48 FR 13666, 13696 (1983) (to be codified at 5 CFR 1320.16). The Commission has consulted with both OMB and GSA and has been informed that prior approval is not necessary, since the PMAs and FERC are both part of the Department of Energy.

VII. Effective Date

The amendments made by this final rule will be effective on July 20, 1984.

List of Subjects in 18 CFR Part 300

Electric power rates.

In consideration of the foregoing, the Commission amends Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,
Secretary.

1. The heading for Subchapter L is revised to read as follows:

SUBCHAPTER L—REGULATIONS FOR FEDERAL POWER MARKETING ADMINISTRATIONS

2. Part 300 is revised to read as follows:

PART 300—CONFIRMATION AND APPROVAL OF THE RATES OF FEDERAL POWER MARKETING ADMINISTRATIONS

Subpart A—General Provisions

Sec.

300.1 Applicability and definitions.

300.2 Informal conference.

Subpart B—Filing Requirements

300.10 Application for confirmation and approval.

300.11 Technical support for the rate schedule.

300.12 Analysis of supporting data.

300.13 Waiver of filing requirements.

Subpart C—Commission Rate Review and Approval

300.20 Interim acceptance and review of Bonneville Power Administration rates.

300.21 Final confirmation and approval.

Authority: Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. 839–839h; Bonneville Power Project Act, 16 U.S.C. 832–832i; Flood Control Act of 1944, 16 U.S.C. 825s; Federal Columbia River Transmission System Act, 16 U.S.C. 838–838k; Reclamation Project Act of 1939, 43 U.S.C. 485–485k; Department of Energy Organization Act, 42 U.S.C. 7101–7352; Executive Order 12009, 3 CFR Part 142 (1978); Delegation Order No. 0204–108, 48 FR 55664 (December 14, 1983); Delegation Order No. 0204–33, 43 FR 60636 (1978).

Subpart A—General Provisions

§ 300.1 Applicability and definitions.

(a) *Applicability.* This part sets forth procedures governing the filing, review, and disposition of the rate schedules for the sale or transmission of power and energy established by the Alaska, Bonneville, Southeastern, Southwestern, and Western Area Power Administrations. Except as otherwise provided by rule or order, the Commission's General Rules of Practice and Procedure (Part 385 of this chapter), other than Rule 2201 (Ex Parte Communications), will apply to any filings, hearings, or other procedures under this Part, as applicable. Rule 2201 of Part 385 will apply only as the Commission determines is appropriate under law.

(b) *Definitions.* For purposes of this Part, the following definitions apply:

(1) *Administrator* means the administrator of a power marketing administration.

(2) *Electric service* means any transmission or sale of electric power and energy, including capacity sales, energy sales, firm power sales, transmission services, or any combination of these services, and the utilization, by means of ownership, contractual arrangements, leasing, or other arrangements, of any facility to provide such sales or services.

(3) *Historic period* means the period commencing with the date of first commercial operation of a powerplant or transmission facility and ending on the last day of the latest year for which actual cost data are available, provided that the period does not end more than 18 months before the date on which the Administrator tenders the rate schedule for filing with the Commission, or such longer period requested by the Deputy Secretary of Energy or Administrator and granted by the Commission.

(4) *Initial capital investment* means the cost of acquisition or construction of a power facility or non-power facility which has been assigned to be repaid from the power revenues, including but not limited to any cost of planning, design, land acquisition, construction, interest during construction, and testing incurred before the date on which the facility becomes operational or revenue-producing.

(5) *Power repayment study or PRS* means a study of the annual repayment of production and transmission investments and other costs through the application of revenues during the repayment period.

(6) *Proposed rate approval period* means the period for which confirmation and approval of the rate schedules is

requested. This period must not exceed five years.

(7) *Rate schedule* means a statement describing:

(i) Type of service to which the rate is to be applied;

(ii) Rates and charges for, or in connection with, electric service; and

(iii) Classifications and other provisions which directly affect such rates and charges.

(8) *Rate test or cost evaluation period* means a period, commencing with the end of the historic period, as defined in paragraph (b)(3) of this section, and continuing through the proposed rate approval period as defined in paragraph (b)(6) of this section, during which future estimates of costs and revenues should be modified by the Administrator to reflect changing conditions.

(9) *Replacement* means any substitution of a unit of property with another unit of like character.

§ 300.2 Informal conference.

The Administrator or a designee may confer with Commission staff prior to submitting an application under Subpart B, with respect to the appropriate form and content of such application.

Subpart B—Filing Requirements

§ 300.10 Application for confirmation and approval.

(a) *General Provisions—(1) Contents of filing.* Any application under this subpart for confirmation and approval or rate schedules must include, as described in this section a letter of request for rate approval, a notice of filing suitable for publication in the *Federal Register*, the rate schedule, a statement of revenue and related costs, the order, if any, placing the rates into effect on an interim basis, the Administrator's Record of Decision or explanation of the rate development process, supporting documents, a certification, and technical supporting information and analysis.

(2) *Incorporation of information by reference.* Any information required under this subpart that has previously been submitted to the Commission in substantially the same form as specified in this section may be incorporated by reference only.

(3) *Time of Filing.* (i) Rate schedules put into effect on an interim basis by the Secretary of the Department of Energy, or a designee, and filed for final Commission approval must be filed not later than five days after interim approval is granted.

(ii) Rate schedules of the Bonneville Power Administration for which interim

approval by the Commission is requested must be filed not later than 60 days in advance of the proposed effective date.

(iii) Rate schedules for which interim approval is not requested must be filed not later than 180 days in advance of the proposed effective date.

(b) *Letter of request for rate approval.* A letter of request for rate approval must contain the following information:

(1) A description of the period for which Commission approval is requested, delineated by an effective date and an expiration date, and, for the Bonneville Power Administration, a request, if any, for interim approval of the rates;

(2) A brief description of the proposed rates and charges under existing and proposed rate schedules and the expected changes, if any, in annual revenues; and

(3) A description of how the filed rate differs in rate level or rate structure from the rate schedule currently effective.

(C) *Notice of filing.* The notice of filing, suitable for publication in the *Federal Register*, must contain the following information:

(1) The identification number or description of the rate schedule or contract;

(2) If the rate schedule includes changes in rates, the dollar amount and percent increase or decrease in rates;

(3) If the rate schedule includes changes other than rates, a brief description of the changes;

(4) A brief explanation of the reasons for any proposed change in the rate schedule;

(5) A statement whether interim approval of Bonneville Power Administration rates is requested;

(6) The proposed effective date of the rate schedule; and

(7) The proposed rate approval period.

(d) *Rate schedules.* A filed rate schedule, as defined in § 300.1(b)(7), must describe the following, as appropriate:

(1) The class of service to which each rate schedule will apply and service areas or zones which will be affected by the filed rate;

(2) The character and conditions of service;

(3) The rate to be applied to capacity and energy services or other services;

(4) The method of computing or a definition of the billing demand;

(5) Special provisions, such as discounts, penalties, power factor adjustments, service interruptions, unauthorized overruns and other similar provisions which may affect the rate and charges; and

(6) The period during which the rates will be effective.

(e) *Statement of Revenue and Related Costs.* Each filing shall include a statement which includes cost (if available) and revenue data for each class of service as specified in each rate schedule for the proposed period.

(f) *Explanation of rate development process and supporting documents.* (1) The Administrator must file the entire record on which the final decision establishing a rate schedule is based.

(2) The Administrator must file a Record of Decision, if one is made, or an explanation of the rate development process, if a Record of Decision is not made. The Record of Decision or the explanation of the rate development process must include:

(i) A chronological discussion of the procedural history of the filing, including meetings held with the general public;

(ii) A discussion of issues raised by customers or the public and how such issues were resolved;

(iii) A discussion of all statutory, regulatory, or other requirements which governed the Administrator's decision;

(iv) A description of any methodology used for determining revenue requirements and for developing appropriate rate structures;

(v) A list identifying all documents submitted for Commission consideration; and

(vi) The names and addresses of any customer and other persons who have requested to be informed of the Commission's decision.

(g) *Certification.* The Administrator must file a statement certifying that the rate is consistent with applicable laws and that it is the lowest possible rate consistent with sound business principles.

(h) *Additional filing requirements.* (1) The Administrator must file with the Commission any other information relevant to the Commission's ratemaking decision.

(2) The Administrator must file any other information requested by the Office of Electric Power Regulation as needed for Commission analysis of the rate filing.

§ 300.11 Technical support for the rate schedule.

(a) *Filing requirement.* The Administrator must submit, in conjunction with any application under § 300.10, the technical support data described under paragraph (b) of this section and the analysis of data described under § 300.12 of this subpart.

(b) *Data.*—(1) *Statement A—Sales and Revenues.* Statement A must include:

(i) Sales and revenues for each rate schedule for the last five years of the historic period, as defined in section 300.1(b)(3);

(ii) For the rate test period, the estimated annual sales and revenues for the existing and each proposed rate schedule, including a separate aggregation of any revenues from sources not covered by the rate schedule according to general classifications of such revenues; and

(iii) Brief explanations of how sales and revenue estimates are prepared and explanations of any changes in sales or revenues during the last five years of the historic period.

(2) *Statement B—Power Resources.* Statement B must contain a list of the capacity and energy resources for the last five years of the historic period and for the rate test period, used to support the sales and revenues figures contained in Statement A. The statement should identify resources according to the powerplant and any purchase or exchange agreement.

(3) *Statement C—Capitalized Investments or Costs.*

(i) Statement C must account for all capitalized investments to be repaid from power revenues.

(ii) The statement shall include a listing, by year, of the following:

(A) All initial investments and additions to plant, including interest during construction, that produced revenue during the historic period or are expected to produce revenue during the rate test period;

(B) Capitalized deferred expenses; and

(C) Replacements made during the historic period and replacements projected to be made during the balance of the repayment period.

(iii) For each such investment, the statement shall specify:

(A) Whether the investment is an initial investment, an addition, a replacement, or a capitalized deferred annual expense;

(B) The date the investment was made;

(C) The year in which repayment is due to be completed;

(D) Whether the investment was financed through the issuance of revenue bonds, the appropriate interest rate, and the terms and conditions for such bonds; and

(E) The authority or administrative procedure used for the adoption of such interest rate.

(iv) If available, the amount repaid on each investment to date must be stated, except that if repayment on individual investments is not recorded, the amount

repaid to date on each group of investments having common interest rates should be stated.

(v) For each year, the sum of unpaid individual investments or the unpaid portion of interest groups shown above must equal the unamortized investment shown in the power repayment study for that year.

(vi) The statement must describe the methods used to forecast replacements and the price level used to estimate replacement costs.

(4) *Statement D—Interest Expenses; Repayment of Investments and Debt Capital.* (i) For each capitalized investment and cost listed in Statement C, Statement D must describe, by interest group:

(A) The total unpaid balance outstanding at the end of the historic period;

(B) Payments made on principal and interest during each of the last five years of the historic period; and

(C) Annual payments expected to be made through the cost evaluation period.

(ii) The statement must describe how the interest expense was determined for each type of investment and include examples of such computations.

(5) *Statement E—Operation, Maintenance and Other Annual Expenses.* Statement E must contain, for the last five years of the historic period and for the rate test period, as appropriate, a tabulation of actual and projected operation and maintenance, administrative and general, purchased power, wheeling, and any other expenses, other than interest. Statement E must:

(i) List expenses for each individual source, if purchased power and other similar expenses are derived from more than one source;

(ii) Explain any significant deviations from trends in expenses or any extraordinary expenses; and

(iii) Explain the price level used for estimating expenses.

(6) *Statement F—Cost Allocations.* (i) Statement F must contain, for each multiple-purpose reservoir project, unit, division, or system, a table or other summary showing total investment costs, the total annual operation and maintenance costs, and the allocation of all such costs among the various authorized purposes.

(ii) The statement must show the amount of power costs suballocated to irrigation functions, any changes from previous allocations, and the procedure used in allocating such costs. Currently valid allocations previously submitted to the Commission need not be furnished, if referenced.

§ 300.12 Analysis of supporting data.

(a) An analysis of the data provided under section 300.11 must be supported by an appropriate methodology developed by the Administrator.

(b) *Revenue Recovery Study.* (1) A study must be provided which supports the filed rate and charges, including a narrative statement that explains how the rates and charges meet the objective of recovering the revenue necessary to repay the Federal investment and other costs in a reasonable period of time.

(2) Any Power Repayment Study (PRS) submitted for this purpose must be developed using currently approved rates for estimating future revenues. If the filed rates differ from the current rates, the Administrator must provide a PRS which uses the level of revenues produced by the proposed rates. Unless otherwise required by statute, a PRS must contain only those investments in plant which will be in commercial operation during the proposed rate approval period, except replacements. Forecasts of costs beyond the rate test period must be based on conditions prevailing during the period, unless unusual circumstances warrant otherwise.

(3) A PRS must include, but need not be limited to, those items listed below:

(i) Operating revenues;

(ii) Operating expenses;

(iii) Interest expense;

(iv) Investment placed in service (using totals if the supporting statement annually shows a breakdown into the appropriate subcategories under each major heading), including the initial project, additions, replacements, and the total investment;

(v) Investment amortized;

(vi) Remaining unamortized investment;

(vii) Allowable unamortized investment (using totals if the supporting statement annually shows a breakdown into the appropriate subcategories under each major heading), including initial project, additions, replacements, and total investment;

(viii) Irrigation investment assigned to be repaid from power revenues (using totals if the supporting statement annually shows a breakdown into the appropriate subcategories under each major heading), including irrigation investment assigned to power, investment repaid, remaining unpaid investment, and allowable unpaid investment; and

(ix) Cumulative status of repayment.

(c) *Cost of Service Study.* For any project or system which provides more than one class of service for which differing rates are proposed, a cost of service study, if available, must be

provided which shows how the costs of providing each service have been determined. If rates and charges have not been formulated on a cost related basis, the basis for each rate or charge should be explained.

§ 300.13 Waiver of filing requirements.

The Administrator must request waiver of any requirement of this subpart if an application that does not fully comply with that requirement is not to be considered deficient. The request must state the Administrator's reasons for such noncompliance and show good cause for any waiver.

Subpart C—Commission Rate Review and Approval

§ 300.20 Interim acceptance and review of Bonneville Power Administration rates.

(a) *Opportunity to Comment.* The Commission will publish in the *Federal Register*, notice of any filing made under this part, for which interim approval is requested. This notice will give interested persons an opportunity to submit written comments on whether interim approval should be granted.

(b) *Action on request for interim rate acceptance—(1) Deficient Applications.* Upon receipt of an application that does not comply with the requirements of this part, the Commission may:

(i) Accept the application and order the rate schedule into effect on an interim basis, effective on the date requested by the Administrator or at such time as the Commission may otherwise order, on the condition that any deficiencies in the filing are corrected by the Administrator to the satisfaction of and within such time specified by the Director of the Office of Electric Power Regulation; or

(ii) Deny the Administrator's interim rate request and reject the application, if the Commission determines that the Administrator's application:

(A) Is patently deficient with respect to the filing requirements of this part; or

(B) Fails to comply with the applicable provisions of the Northwest Power Act or such other Acts as may be applicable.

(2) *Applications that are in compliance.* Upon receipt of an application that complies with the requirements of this Part, the Commission may:

(i) Order the rate schedule into effect on an interim basis, effective on the date requested by the Administrator or at such time as the Commission may otherwise order; or

(ii) Deny the Administrator's interim rate request and review the application for final confirmation and approval of

the rate schedule pursuant to the provisions of this Part.

(c) *Condition of acceptance.* Any rate schedule the Commission allows to become effective on an interim basis under paragraph (b) of this section is subject to refund with interest.

(d) *Notice of action on interim approval.* The Commission will publish in the *Federal Register* a notice of any action taken under paragraph (b) of this section and will mail notice to any person on the Commission's service list.

§ 300.21 Final confirmation and approval.

(a) *Opportunity to comment and intervene.* (1) The Commission will publish notice in the *Federal Register* giving interested persons an opportunity:

(i) To submit initial and reply comments on any filing made under Subpart B; and

(ii) To intervene in any proceeding held on such filing.

(2) With respect to the Bonneville Power Administration:

(i) Such notice will also give interested persons an opportunity to comment on whether it is necessary to hold a hearing on non-regional rates under section 7(k) of the Northwest Power Act and the issues to be resolved at such hearing.

(ii) This notice may be part of any Commission order granting interim approval under section 300.20 of this Part.

(b) *Proceedings under section 7(k).* For the Bonneville Power Administration, the Commission will publish a separate order if it determines that a hearing is necessary under section 7(k) of the Northwest Power Act. This order will, if appropriate, delineate the issues to be resolved at such hearing. Such hearing will be held in accordance with the procedures established for ratemaking by the Commission pursuant to the Federal Power Act.

(c) *Standards of Review for the Bonneville Power Administration—(1) Rates under section 7(a).* The Commission will review any rate established by the Administrator under section 7(a) of the Northwest Power Act for compliance with the following standards:

(i) The rates must be sufficient to ensure repayment of the Federal investment in the Federal Columbia River Power System over a reasonable number of years after first meeting the Administrator's other costs.

(ii) The rates must be based upon the Administrator's total system costs.

(iii) With respect to transmission rates, the rates must equitably allocate

the costs of the Federal transmission system between Federal and non-Federal power utilizing such system.

(2) *Rates under section 7(k).* The Commission will review any rate established by the Administrator under section 7(k) of the Northwest Power Act for compliance with the requirements of the Bonneville Project Act, the Flood Control Act of 1944, the Federal Columbia River Transmission System Act, and the standards set forth in paragraph (c)(1) of this section.

(d) *Standards of Review for Other Power Marketing Administrations.* The Commission will review the rates of the Alaska, Southeastern, Southwestern, and Western Area Power Marketing Administrations in accordance with the terms of any delegation made by the Secretary of Energy.

(e) *Action on request for final confirmation and approval of rates.* Filed rates will be considered for final confirmation and approval if the relevant filing complies with the filing requirements of Subpart B of these regulations. The Commission may take any of the following actions:

(1) Confirm and approve the rate schedules for the period beginning with the date such rates were placed in effect on an interim basis or the effective date requested in the application to the expiration date requested in the application but not to exceed a five-year period, or for such lesser period, as the Commission deems appropriate;

(2) Remand the filing for further development of the record to support the filed rate schedules;

(3) Order an evidentiary hearing if there are questions of fact which can not be resolved from the record or through staff evaluation;

(4) Disapprove the filed rates; or

(5) Take such other action that the Commission considers appropriate.

(f) *Procedures upon disapproval.* If the Commission disapproves the rates, the Administrator will be provided a 120-day period, or other period as the Commission may deem appropriate, to prepare substitute rates that resolve the Commission's concerns. If the filed rates have been approved on an interim basis, the rates will continue in effect on an interim basis until the Commission takes final action.

(g) *Refund and interest—(1) Refund.* If a rate collected by any power marketing administration on an interim basis exceeds the rate which is confirmed and approved by the Commission as a final rate, the Administrator, pursuant to any conditions established by the Commission, must refund with interest any portion of the rate increase

collected during the interim period which exceeds the final rate. The Administrator may make refunds by means of a net energy billing which reflects the value of any overcharge or other appropriate methods.

(2) *Interest.* Except as otherwise provided by the Commission, the Administrator must compute any amount of interest based on the revenues collected subject to refund and required to be refunded under this paragraph by using:

(i) With respect to the rates of the Bonneville Power Administration, the rate of interest or a weighted average of all rates of interest charged to the Bonneville Power Administration by the U.S. Treasury during the period for which the computation is made;

(ii) With respect to the rates of other Power Marketing Administrations, the rates of interest computed in accordance with the formula contained in DOE Order No. RA 6120.2, available from the Department of Energy (Office of Power Marketing Coordination) and the Power Marketing Administrations.

(h) *Notice of action on final approval.* The Commission's Secretary will publish in the *Federal Register* a notice of any action taken under paragraph (e) of this section and will mail the notice to the persons on the Commission's service list.

[FR Doc. 84-15986 Filed 6-19-84; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 31, 49, and 601

[T.D. 7953]

Federal Tax Deposit System

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains corrections to the *Federal Register* publication beginning at 49 FR 19643 of the final regulations which were the subject of Treasury decision 7953, relating to the Federal Tax Deposit System.

EFFECTIVE DATE: The regulations that are the subject of these corrections are effective for Federal tax deposits remitted on or after January 1, 1984. The corrections are effective the same date.

FOR FURTHER INFORMATION CONTACT: Cynthia Grigsby of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service,

Washington D.C. 20224, telephone 202-566-3935 (not a toll-free number).

Background

On May 9, 1984, the **Federal Register** published final regulations (49 FR 19643) relating to the Federal Tax Deposit System. Changes to the applicable tax law were issued under the authority contained in section 7805 of the Internal revenue Code (68A Stat. 917; 26 U.S.C. 7805).

Need for a Correction

The first correction is required in the left-hand column on page 19646. In the fifth line from the top of that column the language "the Federal Tax Deposit form by" should immediately follow the language "stamped on" and precede the language "the Federal Reserve bank or".

The second correction is required on page 19647 in the left-hand column. Under the provisions titled "PART 49—REGULATIONS ON FACILITIES AND SERVICE EXCISE TAXES" and subtitled "§ 49.6151-1", Par. 21 includes a reference to "§ 49.6303(c)-1(a)" in the eleventh line of that paragraph that should read "§ 49.6302(c)-1(a)".

The final correction is required on page 19648, left-hand column, in the twelfth line from the bottom of that column. The language "in the case of Agricultural Employer and" should read "in the case of Agricultural Employers and".

Correction of Publication

Accordingly, the publication of Treasury decision 7953 which was the subject of FR Doc. 84-12373, is corrected as follows:

Paragraph 1. In § 31.6302(c)-3(b)(2), on page 19646, in the left-hand column in the fifth line from the top of the column the language "the Federal Tax Deposit form by" is added immediately following the language "stamped on" and preceding the language "the Federal Reserve bank or".

Paragraph 2. In the amendment to § 49.6302(c)-1(a)(1)(ii), on page 19647, in the left-hand column in the eleventh line of "Par. 21.", the language "§ 49.6303(c)-1(a)" is removed and the language "§ 49.6302(c)-1(a)" is added in its place.

Paragraph 3. In the amendment to § 601.401(a)(5)(iv), on page 19648, in the left-hand column in the twelfth line from the bottom of the column the language "in the case of Agricultural Employer and" is removed and the language "in

the case of Agricultural Employers and" is added in its place.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 84-16348 Filed 6-19-84; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 3E2909/R630; PH-FRL 2479-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Ethephon

Correction

In FR Doc. 83-31940, beginning on page 54008 in the issue of Wednesday, November 30, 1983, the effective date appearing in the second column of page 54008 should have read "November 30, 1983".

BILLING CODE 1505-01-M

40 CFR Part 761

[OPTS-62041; TSH FRL 2611-5]

Toxic Substances Control Act; Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Editorial Amendment of Definitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Editorial amendment.

SUMMARY: This rule alphabetizes the existing definitions in § 761.3 and removes their paragraph designations. This action is taken for the convenience of the user and to allow for orderly additions to the definitions in the future. It also changes the cross references in 40 CFR Subchapter R to conform to the new organization.

DATE: This final rule is effective June 20, 1984.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Federal Register Unit, Office of Pesticides and Toxic Substances, Rm. E-125, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-382-3826).

SUPPLEMENTARY INFORMATION: In the interest of making the Code of Federal Regulations easier for the users to use and reference, the definitions under 40 CFR 761.3 are being put into alphabetical order and their lettered paragraph designations are being

removed. Also, the cross references in Subchapter R are being changed to conform to the new organization.

This regulation is a nonsubstantive editorial amendment and as such no opportunity for comment or public participation is required.

(15 U.S.C. 2605)

List of Subjects in 40 CFR Part 761

Hazardous materials, Labeling, Polychlorinated biphenyls, Recordkeeping and reporting requirements, Environmental protection.

Dated: June 11, 1984.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, Chapter I of Title 40, Subchapter R, is amended by amending Part 761 as follows:

§ 761.1 [Amended]

1. In § 761.1(b), the reference to § 761.3(s) is revised to read "the definition of 'PCB' and 'PCBs' under § 761.3."

2. In § 761.1(f), the references to § 761.3 (jj) and (kk) are revised to read "the definitions of 'Closed manufacturing process' and 'Controlled waste manufacturing process' under § 761.3."

3. Section 761.3 is revised to read as follows:

§ 761.3 Definitions.

For the purpose of this part: "Administrator" means the Administrator of the Environmental Protection Agency, or any employee of the Agency to whom the Administrator may either herein or by order delegate his authority to carry out his functions, or any person who shall by operation of law be authorized to carry out such functions.

"Agency" means the United States Environmental Protection Agency.

"Byproduct" means a chemical substance produced without separate commercial intent during the manufacturing or processing of another chemical substance(s) or mixture(s).

"Capacitor" means a device for accumulating and holding a charge of electricity and consisting of conducting surfaces separated by a dielectric. Types of capacitors as follows:

(1) "Small capacitor" means a capacitor which contains less than 1.36 kg (3 lbs.) of dielectric fluid. The following assumptions may be used if the actual weight of the dielectric fluid is unknown. A capacitor whose total volume is less than 1,639 cubic centimeters (100 cubic inches) may be

considered to contain less than 1.36 kg (3 lbs.) of dielectric fluid and a capacitor whose total volume is more than 3,278 cubic centimeters (200 cubic inches) must be considered to contain more than 1.36 kg (3 lbs.) of dielectric fluid. A capacitor whose volume is between 1,639 and 3,278 cubic centimeters may be considered to contain less than 1.36 kg (3 lbs.) of dielectric fluid if the total weight of the capacitor is less than 4.08 kg (9 lbs.).

(2) "Large high voltage capacitor" means a capacitor which contains 1.36 kg (3 lbs.) or more of dielectric fluid and which operates at 2,000 volts (a.c. or d.c.) or above.

(3) "Large low voltage capacitor" means a capacitor which contains 1.36 kg (3 lbs.) or more of dielectric fluid and which operates at 2,000 volts (a.c. or d.c.).

"Chemical substance", (1) except as provided in paragraph (2) of this definition, means any organic or inorganic substance of a particular molecular identity, including: any combination of such substances occurring in whole or part as a result of a chemical reaction or occurring in nature, and any element or uncombined radical.

(2) Such term does not include: any mixture; any pesticide (as defined in the Federal Insecticide, Fungicide, and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide; tobacco or any tobacco product; any source material, special nuclear material, or byproduct material (as such terms are defined in the Atomic Energy Act of 1954 and regulations issued under such Act); any article the sale of which is subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by section 4182 or section 4221 or any provisions of such Code); and any food, food additive, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act) when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device.

"Chemical waste landfill" means a landfill at which protection against risk of injury to health or the environment from migration of PCBs to land, water, or the atmosphere is provided from PCBs and PCB Items deposited therein by locating, engineering, and operating the landfill as specified in § 761.75.

"Closed manufacturing process" means a manufacturing process in which PCBs are generated but from which less than 10 micrograms per cubic meter

from any resolvable gas chromatographic peak are contained in any release to air; less than 100 micrograms per liter from any resolvable gas chromatographic peak are contained in any release to water; and less than 2 micrograms per gram from any resolvable gas chromatographic peak are contained in any product, or any process waste.

"Commerce" means trade, traffic, transportation, or other commerce:

(1) Between a place in a State and any place outside of such State, or

(2) Which affects trade, traffic, transportation, or commerce described in paragraph (1) of this definition.

"Controlled waste manufacturing process" means a manufacturing process in which PCBs are generated but from which less than 10 micrograms per cubic meter from any resolvable gas chromatographic peak are contained in any release to air; less than 100 micrograms per liter from any resolvable gas chromatographic peak are contained in any release to water; less than 2 micrograms per gram from any resolvable gas chromatographic peak are contained in any product, and the remainder of PCBs generated are incinerated in a qualified incinerator, land filled in a landfill approved under the provisions of § 761.75, or stored for such incineration or landfilling in accordance with the requirements of § 761.65(b)(1).

"Disposal" means intentionally or accidentally to discard, throw away, or otherwise complete or terminate the useful life of PCBs and PCB Items. Disposal includes spills, leaks, and other uncontrolled discharges of PCBs as well as actions related to containing, transporting, destroying, degrading, decontaminating, or confining PCBs and PCB Items.

"Distribute in commerce" and "Distribution in Commerce" when used to describe an action taken with respect to a chemical substance, mixture, or article containing a substance or mixture means to sell, or the sale of, the substance, mixture, or article in commerce; to introduce or deliver for introduction into commerce, or the introduction or delivery for introduction into commerce of the substance, mixture, or article; or to hold or the holding of, the substance, mixture, or article after its introduction into commerce.

"Fluorescent light ballast" means a device that electrically controls fluorescent light fixtures and that includes a capacitor containing 0.1 kg or less of dielectric.

"Impurity" means a chemical substance which is unintentionally

present with another chemical substance.

"Incinerator" means an engineered device using controlled flame combustion to thermally degrade PCBs and PCB Items. Examples of devices used for incineration include rotary kilns, liquid injection incinerators, cement kilns, and high temperature boilers.

"Leak" or "leaking" means any instance in which a PCB Article, PCB Container, or PCB Equipment has any PCBs on any portion of its external surface.

"Manufacture" means to produce, manufacture, or import into the customs territory of the United States.

"Manufacturing process" means all of a series of unit operations operating at a site, resulting in the production of a product.

"Mark" means the descriptive name, instructions, cautions, or other information applied to PCBs and PCB Items, or other objects subject to these regulations.

"Marked" means the marking of PCB Items and PCB storage areas and transport vehicles by means of applying a legible mark by painting, fixation of an adhesive label, or by any other method that meets the requirements of these regulations.

"Mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined.

"Municipal solid wastes" means garbage, refuse, sludges, wastes, and other discarded materials resulting from residential and non-industrial operations and activities, such as household activities, office functions, and commercial housekeeping wastes.

"PCB" and "PCBs" mean any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contains such substance. (See § 761.1(b) Applicability for applicable concentrations of PCBs). PCB and PCBs as contained in PCB Items are defined in this section.

"PCB Article" means any manufactured article, other than a PCB Container, that contains PCBs and whose surface(s) has been in direct contact with PCBs. "PCB Article" includes capacitors, transformers, electric motors, pumps, pipes and any other manufactured item (1) which is formed to a specific shape or design during manufacture, (2) which has end use function(s) dependent in whole or in part upon its shape or design during use, and (3) which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the PCB Article.

"PCB Article Container" means any package, can, bottle, bag, barrel, drum, tank, or other device used to contain PCB Articles or PCB Equipment, and whose surface(s) has not been in direct contact with PCBs.

"PCB Container" means any package, can, bottle, bag, barrel, drum, tank, or other device that contains PCBs or PCB Articles and whose surface(s) has been in direct contact with PCBs.

"PCB Equipment" means any manufactured item, other than a PCB Container or a PCB Article Container, which contains a PCB Article or other PCB Equipment, and includes microwave ovens, electronic equipment, and fluorescent light ballasts and fixtures.

"PCB Item" is defined as any PCB Article, PCB Article Container, PCB Container, or PCB Equipment, that deliberately or unintentionally contains or has as a part of it any PCB or PCBs at a concentration of 50 ppm or greater.

"PCB Transformer" means any transformer that contains 500 ppm PCB or greater.

"PCB-Contaminated Electrical Equipment" means any electrical equipment, including but not limited to transformers (including those used in railway locomotives and self-propelled cars), capacitors, circuit breakers, reclosers, voltage regulators, switches (including sectionalizers and motor starters), electromagnets, and cable, that contain 50 ppm or greater PCB, but less than 500 ppm PCB. Oil-filled electrical equipment other than circuit breakers, reclosers, and cable whose PCB concentration is unknown must be assumed to be PCB-Contaminated Electrical Equipment. (See § 761.30 (a) and (h) for provisions permitting reclassification of electrical equipment containing 500 ppm or greater PCBs to PCB-Contaminated Electrical Equipment).

"Person" means any natural or judicial person including any individual,

corporation, partnership, or association; any State or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the Federal Government.

"Posing an exposure risk to food or feed" means being in any location where human food or animal feed products could be exposed to PCBs released from a PCB Item. A PCB Item poses an exposure risk to food or feed if PCBs released in any way from the PCB Item have a potential pathway to human food or animal feed. EPA considers human food or animal feed to include items regulated by the U.S. Department of Agriculture or the Food and Drug Administration as human food or animal feed; this includes direct additives. Food or feed is excluded from this definition if it is used or stored in private homes.

"Process" means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce:

(1) In the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance or mixture, or

(2) As part of an article containing the chemical substance or mixture.

"Qualified incinerator" means one of the following:

(1) An incinerator approved under the provisions of § 761.70. Any concentration of PCBs can be destroyed in an incinerator approved under § 761.70.

(2) A high efficiency boiler approved under the provisions of § 761.60(a)(3). Only PCBs in concentrations below 500 ppm can be destroyed in a high-efficiency boiler approved under § 761.60(a)(3).

(3) An incinerator approved under section 3005(c) of the Resource Conservation and Recovery Act (42 U.S.C. 6925(c)) (RCRA). Only PCBs in concentrations below 50 ppm can be destroyed in a RCRA-approved incinerator. The manufacturer seeking to qualify a process as a controlled waste process by disposing of wastes in a RCRA-approved incinerator must make a determination that the incinerator is capable of destroying less readily burned compounds than the PCB homologs to be destroyed. The manufacturer may use the same guidance used by EPA in making such a determination when issuing an approval under section 3005(c) of RCRA. The manufacturer is also responsible for obtaining a reasonable assurance that the incinerator, when burning PCB wastes, will be operated under conditions which have been shown to enable the incinerator to destroy the less readily burned compounds.

"Sale for purposes other than resale" means sale of PCBs for purposes of disposal and for purposes of use, except where use involves sale for distribution in commerce. PCB Equipment which is first leased for purposes of use any time before July 1, 1979, will be considered sold for purposes other than resale.

"Significant exposure" means any exposure of human beings or the environment to PCBs as measured or detected by any scientifically acceptable analytical method.

"Small quantities for research and development" means any quantity of PCBs (1) that is originally packaged in one or more hermetically sealed containers of a volume of no more than five (5.0) milliliters, and (2) that is used only for purposes of scientific experimentation or analysis, or chemical research on, or analysis of, PCBs, but not for research or analysis for the development of a PCB product.

"Storage for disposal" means temporary storage of PCBs that have been designated for disposal.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (e.g., trailer, railroad freight car) is a separate transport vehicle.

"Totally enclosed manner" means any manner that will ensure that any exposure of human beings or the environment to any concentration of PCBs will be insignificant; that is, not measurable or detectable by any scientifically acceptable analytical method.

"Waste Oil" means used products primarily derived from petroleum, which include, but are not limited to, fuel oils, motor oils, gear oils, cutting oils, transmission fluids, hydraulic fluids, and dielectric fluids.

§ 761.20 [Amended]

4. In the introductory text of § 761.20 the reference to § 761.3(dd) is revised to read "as defined in the definition of 'Significant exposure' under § 761.3." The reference to § 761.3(hh) is revised to read "The definition of 'Totally enclosed manner' under § 761.3."

§ 761.30 [Amended]

5. In § 761.30, the references to § 761.3(y) in paragraphs (a)(1)(ii) and (a)(2)(ii) are revised to read ("as defined in the definition of 'PCB Transformer' under § 761.3)."

6. In § 761.30, the references to § 761.3(z) in paragraphs (a)(2)(i) and (h)(2)(i) are revised to read ("as defined in the definition of 'PCB-Contaminated Electrical Equipment' under § 761.3)."

7. In § 761.30(j), the reference to § 761.3(ee) is revised to read "as defined in the definition of 'Small quantities for research and development' under § 761.3."

§ 761.185 [Amended]

8. In § 761.185(a)(2), the reference to § 761.3(nn) is revised to read "under the definition of 'Qualified incinerator' under § 761.3."

9. In § 761.185(b)(4)(ii), the reference to § 761.3(nn) is revised to read "(see the definition of 'Qualified incinerator' under § 761.3)."

[FR Doc. 84-16399 Filed 6-19-84; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register

Vol. 49, No. 120

Wednesday, June 20, 1984

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

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Ch. XIV

Processing of Cases

AGENCY: Federal Labor Relations Authority.

ACTION: Request for comments.

SUMMARY: In connection with its review of case processing procedures, the Federal Labor Relations Authority requests written proposals concerning possible modifications to its case processing procedures. All submissions will be reviewed and a determination made as to which matters will be further considered at one or more open meetings. The meetings will be announced and interested parties will be given an opportunity to appear and present their views. The results of this review of the Authority's case processing procedures could be, among other things, amendments to the Authority's rules and regulations.

DATE: Written comments must be received by the Authority on or before July 21, 1984.

ADDRESS: Comments should be submitted to Harold D. Kessler, Director, Office of Case Management, Federal Labor Relations Authority, 500 C Street, SW., Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: Harold D. Kessler, Director, Office of Case Management, Federal Labor Relations Authority, 500 C Street, SW., Washington, D.C. 20424, (202) 382-0711.

SUPPLEMENTARY INFORMATION: The Authority has been reviewing its case processing procedures. The Authority has received from the Department of Defense recommendations that the Authority modify certain of these procedures. In a recent letter to the Authority, the presidents of the American Federation of Government Employees, the National Association of Government Employees, the National Federation of Federal Employees and

the National Treasury Employees Union also proposed revisions to certain of the Authority's case processing procedures and requested a meeting with the Authority. Upon review of these submissions, the Authority has decided to grant agencies, unions and interested individuals an opportunity to comment on the Authority's case processing procedures in an effort to identify modifications that would improve case processing.

The first step in the review process is this notice in which all interested parties are requested to submit written comments to the Authority no later than the comment date listed above. Thereafter, the Authority will review all submissions and make a determination as to which matters will be considered at open meetings. Then, agencies, unions and interested persons will be invited through a public announcement to request from the Authority an opportunity to address such matters at the open meeting called for their consideration. Fixed times will be granted to those wishing to participate in these open meetings. Finally, the Authority will take appropriate action which could include amendments to the Authority's rules and regulations or other appropriate action.

List of Subjects in 5 CFR Ch. XIV

Administrative practice and procedure, Government employees, Labor-management relations.

Dated: June 15, 1984.

Federal Labor Relations Authority.

Barbara J. Mahone,

Chairman.

Ronald W. Haughton,

Henry B. Frazier III,

Members.

[FR Doc. 84-16403 Filed 6-19-84; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 911

[Lime Reg. 43, Proposed Amdt. 2]

Limes Grown in Florida

AGENCY: Agricultural Marketing service, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: This proposal would suspend the lowering of minimum diameter requirements for shipments of fresh limes grown in Florida, and for limes imported into the United States from 1 1/2 inches to 1 3/4 inches during a specified period during July-September of each year. The minimum diameter requirement for such limes would remain at 1 1/2 inches. Such action is necessary to assure the shipment of limes of acceptable size and quality in the interest of producers and consumers.

DATES: Written comments must be received not later than June 29, 1984. Proposed effective date: July 9, 1984.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States 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 proposed action 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 determined that this proposed action will not have a significant economic impact on a substantial number of small entities.

The proposed Florida lime regulation is issued under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed regulation applicable to limes grown in Florida is based upon recommendations and information submitted by the Florida Lime Administrative Committee, established under the marketing agreement and order, and upon other information. Shipments of Florida limes are regulated by grade and size under Florida Lime Regulation 43 (46 FR 35910, 47 FR 29646). This regulation, which is effective on a continuing basis, requires seedless limes for fresh shipment to: (1) Grade at least U.S. Combination mixed

color; (2) meet a minimum juice content of 42% by volume, and (3) have a minimum diameter of 1 1/8 inches. Currently, there is a relaxation in the minimum size requirement for seedless limes from 1 1/8 inches in diameter to 1 3/4 inches in diameter each year during the period beginning on the first Monday after July 4 and continuing through the Sunday before the third Monday in September of the same year. This proposed action would suspend that relaxation so that limes at all times would have to meet the minimum diameter requirement of 1 1/8 inches. This proposed action was unanimously recommended by the Florida Lime Administrative Committee at a public meeting on April 11, 1984. There are more than adequate supplies of limes which would meet the 1 1/8 inch minimum diameter requirement to meet consumer demand. In addition, consumer acceptance of the smaller diameter limes has been very poor.

Under section 8e of the Act, whenever specified commodities, including limes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. Thus, size requirements for imported limes would also change to conform to the size requirements for domestic shipments of Florida limes. It is hereby found that this proposed regulation will tend to effectuate the declared policy of the Act.

This proposed rule provides a comment period of less than thirty days. A longer comment period would be contrary to the public interest, as any comments on the effect of the proposed rule must be received by June 29, 1984, so that a final rule, if issued, can be made effective by July 9, 1984, to ensure the orderly marketing of Florida limes. All comments received will be considered prior to issuance of any final rule.

List of Subjects in 7 CFR Part 911

Marketing agreements and orders, Florida, Limes.

PART 911—[AMENDED]

The proposed rule would amend section 911.344 Lime Regulation 43 (46 FR 35910, 47 FR 29646) by revising paragraph (a)(3), to read as follows:

§ 911.344 Florida Lime Regulation 43.

(a) * * *

(3) Such limes of the group known as seedless, large-fruited, or Persian limes

(including Tahiti, Bearss, and similar varieties) shall be at least 1 1/8 inches in diameter; *Provided*, That not more than 10 percent, by count, of the limes in any lot of containers may fail to meet these minimum size requirements; *Provided further*, That not more than 15 percent, by count, in any individual container containing more than four pounds of limes may fail to meet these minimum size requirements.

* * *

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

Dated: June 15, 1984.

Charles R. Brader,

Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 84-16378 Filed 6-19-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 24105; Notice 84-6]

Slot Transfer Methods

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Postponement of public hearing.

SUMMARY: The public hearing on Slot Transfer Methods (NPRM 84-6, published in the *Federal Register* on June 7, 1984 (49 FR 23788)) scheduled for June 21, 1984, in the Federal Aviation Administration (FAA) Building at 800 Independence Avenue, S.W., Washington, D.C., is postponed. The rescheduling of the hearing has not been completed at this time. The time and date will be announced shortly. The FAA is considering the requests for extension of the comment period (closes on July 9, 1984) on the NPRM submitted by a number of organizations.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, (202) 426-3773.

Issued in Washington, D.C., on June 18, 1984.

Edward P. Faberman,
Acting Chief Counsel.

[FR Doc. 84-16529 Filed 6-18-84; 2:49 pm]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-21049; File No. S7-23-84]

Short Tendering Rule

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendment.

SUMMARY: The Commission is proposing for public comment certain amendments to Rule 10b-4 under the Securities Exchange Act of 1934, the short tendering rule. These amendments would require those persons that tender shares by guarantee to deliver all guaranteed shares to the bidder and would, in most circumstances, require persons to exclude from their "net long position" those shares on which they have written exchange-traded call options. The amendments are intended to make the prohibition of short and hedged tendering more effective and complete.

DATE: Comments must be received on or before August 31, 1984.

ADDRESSES: Interested persons should submit three copies of their comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 6184, 450 Fifth Street, N.W., Washington, D.C. 20549 and should refer to File No. S7-23-84. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 1024, 450 Fifth Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: M. Blair Corkran, Jr. (202-272-2853) or Stuart D. Fishman (202-272-7376), Office of Legal Policy and Trading Practices, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is publishing for comment amendments to Rule 10b-4 [17 CFR 240.10b-4] under Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. 78j (b). Rule 10b-4 (the "Rule") was adopted by the Commission in 1968¹ for the purpose of prohibiting "short tendering", i.e., tendering more shares than a person owns in order to avoid or reduce the risk of *pro rata* acceptance in tender offers for less than all the outstanding securities of a class or series. Recently, the Rule was

¹ Securities Exchange Act Release No. 8321 (May 28, 1968), 33 FR 8269 (June 4, 1968).

amended to prohibit hedged tendering, i.e., tendering and then selling a portion of the tendered shares in the market, a practice that was closely analogous to short tendering.² The amendments that are being proposed today are intended to make the prohibition of short and hedged tendering more effective and complete and are generally consistent with recommendations made by the Advisory Committee on Tender Offers ("Advisory Committee").

I. Background

In making a tender offer for securities of a target corporation the bidder usually offers as consideration either cash, its own securities, or a combination of both. Offers for less than all of the outstanding shares of the target involves a risk to the target securityholder that not all of the securities that the securityholder tendered will be accepted.³ Prior to the adoption of Rule 10b-4, market professionals were able to achieve acceptance of a disproportionately larger number of securities owned and tendered by them than could be secured by other persons who tendered only securities that they owned.⁴ Accordingly, the Commission adopted Rule 10b-4 for the specific purpose of prohibiting short tendering.⁵

Recently, the Commission adopted amendments to Rule 10b-4⁶ to prohibit hedged tendering, a practice that had the same purpose and effect as short tendering. Before the amendments, market professionals were able to tender shares that they owned and then sell the number of shares that they estimated would not be accepted by the bidder. Those shares were generally bought by arbitrageurs at prices reflecting the tender offer price. The

arbitrageurs in turn tendered them and thus diluted the percentage of shares accepted from those who tendered without hedging.⁷

The recent amendments were in accord with the recommendations of the Advisory Committee.⁸ The Advisory Committee also recommended two additional changes relating to Rule 10b-4 that the Commission is addressing today. The two recommendations concern guarantees of delivery and the status under the Rule of certain short positions in exchange-traded call options.

II. Discussion

A. Guarantees of Delivery

In a tender offer, a shareholder may tender his securities without actually delivering them at the time of tendering if that shareholder or someone else on his or her behalf, generally a broker-dealer or a bank, guarantees the delivery of those securities. In this way, shareholders who are unable to physically deposit their certificates before the termination of the tender offer, either because the shares have been purchased but not yet received or because it may not be convenient, can still participate in the tender offer. Rule 10b-4 provides that a guarantor can guarantee a tender for the account of another if the guarantor has possession of the subject security or has reasonable belief upon information furnished by the person on whose behalf the tender is made, that the latter person owns the security and will promptly deliver the security to the offeror.⁹

The Advisory Committee recommended that Rule 10b-4 be amended to require that all shares tendered pursuant to a guarantee be delivered to the offeror.¹⁰ The Advisory

Committee reasoned that it would make short and hedged tendering less attractive if the securityholder, on whose behalf securities are tendered by guarantee, is required to deliver all securities so tendered rather than only the certificates for those shares actually to be purchased by the offeror. The Commission believes that this requirement would make short tendering somewhat more difficult to accomplish, and accordingly is proposing to amend Rule 10b-4 by adding paragraph (b)(4) in the manner recommended by the Advisory Committee.

As a practical matter, many bidders already require as a condition of their offer that all shares tendered by guarantee be delivered.¹¹ The Commission solicits comments on the need for new paragraph (b)(4), as well as on whether the receipt of all tendered shares and the return of unaccepted shares would impose any significant costs on those bidders who would otherwise not choose to require delivery of all shares tendered by guarantee.

B. Hedged Tendering by Means of Exchange-Traded Call Options

The recently adopted amendments to Rule 10b-4 were designed to prevent hedged tendering, a practice by which market professionals were able to minimize the risk of proration by selling some of the shares they had tendered. In those tender offers involving common stocks that underlie exchange-traded options, this same result can be accomplished through writing exchange-traded call options. For instance, a market professional who owns 200 shares and who estimates a 50% proration factor is able to hedge his tender by writing an in-the-money¹² call option. The premium received for writing the call option plus the exercise price received when the option is exercised¹³ will normally approximate

(January 25, 1984). Rule 17Ad-14 provides for delivery of securities to the tender agent by book-entry through a qualified securities depository, as that term is defined in Rule 17Ad-14. Thus, delivery of securities to the tender agent may be accomplished, for purposes of Rule 10b-4, either directly to the tender agent or to the tender agent's account by book-entry movement.

¹¹ By requiring full delivery, rather than only requesting delivery of the percentage to be accepted, the offeror is assured that it will obtain the exact number of shares it desires if the offer is oversubscribed since it can then adjust the proration percentage to compensate for any shares that are not delivered.

¹² An in-the-money option is one whose exercise price is lower than the market price of the underlying security.

¹³ An in-the-money option will normally be exercised before the end of a tender offer for less than all of the target's securities, because the holder of the option will otherwise experience a loss in the option's value when the tender offer expires.

² Securities Exchange Act Release No. 20799 (March 29, 1984), 49 FR 13867 (April 9, 1984).

³ When tendered securities are accepted on a *pro rata* basis, the offeror accepts only a percentage of the securities tendered by each securityholder. The percentage is calculated from a fraction whose numerator represents the total number of securities accepted and whose denominator represents the total number of securities tendered.

⁴ For example, assume there is a tender offer for less than all the outstanding securities of the target and that A and B each owns 200 shares of the subject security and expects that the offeror will accept on a *pro rata* basis 50% of the securities tendered. If A tenders 400 shares he will (assuming the 50% expectation proves correct) have 200 shares, or 100% of his securities accepted by the offeror. In contrast, if B simply tenders his 200 shares, he will have only 100 of his shares accepted and 100 shares will be returned to him.

⁵ Securities Exchange Act Release No. 8321 (May 28, 1968), 33 FR 8269 (June 4, 1968). The background and reasons for the adoption of Rule 10b-4 are more fully set forth in Securities Exchange Act Release No. 18050 (August 21, 1981), 46 FR 43459 (August 28, 1981).

⁶ See note 2, *supra*.

⁷ For example, two shareholders, A and B, each owns 200 shares and expect that the offeror will accept 50% of the securities tendered. If A tenders his 200 shares and then sells 100 shares he will (assuming the 50% expectation proves correct) have 100 shares accepted by the offeror, or 100% of the securities that he owns at the time the proration period ends. In contrast, if B simply tenders his 200 shares and does not engage in any hedging (possibly because he cannot borrow the subject security), he will have only 100 of his shares accepted and 100 shares will be returned unaccepted to him.

⁸ See Report of Recommendations of the Advisory Committee on Tender Offers ("Advisory Committee Report") at 47. The amendments embodied Recommendations 44 and 46.

⁹ Rule 10b-4(b)(2).

¹⁰ Advisory Committee Report, Recommendation No. 45, at 48. The Advisory Committee referred to requiring "physical" delivery, but also urged, in Recommendation 43, that the Commission adopt proposed Rule 17Ad-14 under the Exchange Act. The Commission subsequently adopted Rule 17Ad-14 effective March 1, 1984. See Securities Exchange Act Release No. 20581 (January 19, 1984), 49 FR 3064

the amount that could be realized if 100 of the tendered shares were sold in the market. Market professionals who can borrow shares to deliver when the option is exercised can as effectively hedge their tenders by writing call options as they can by selling the stock.

Further more, the result of market professionals hedging their tenders in this fashion could be that more share will be tendered to the offeror than are actually outstanding ("over-tenders") because the same shares may be tendered by the owner of the underlying shares and by the person who exercises the option because that person is an owner of the underlying stock under the Rule. The options will often be exercised just before the expiration of the tender offer, and exercise notices will not be allocated to the writers until after the right to withdraw shares from the offer has expired.¹⁴

The Advisory Committee recognized that "the option market makes over-tenders more likely because there is no theoretical limit on the number of call option contracts" that can be written.¹⁵ The Advisory Committee suggested that the way to deal with the possibility of over-tendering was to exclude, in certain circumstances, shares underlying a call option from the "net long position" of the option writer so that the option writer would not own those shares.¹⁶ Rule 10b-4 requires that a tendering person have a net long position of at least the number of shares tendered.¹⁷ Specifically, the Advisory committee recommended that

The Commission should revise its interpretation of Rule 10b-4 so that for the purposes of determining whether a person has a "net long position" in a security subject to the tender offer, call options on such security which a person has sold and which a person should know are highly likely to be exercised prior to expiration of the offer shall be deemed to constitute sales of the security underlying such options and therefore netted against such person's position in that security.¹⁸

¹⁴ The by-laws of the Options Clearing Corporation, ("OCC") provide for cash settlements of call option exercises if it determines that the supply of deliverable stock is inadequate. See Section 17 of Article VI of the OCC by-laws.

¹⁵ Advisory Committee Report at 49.

¹⁶ The Commission notes that the possibility of over-tendering would remain because many options are written on an uncovered basis. This approach, however, in combination with the recent prohibition on hedging tenders through subsequent sales of the target security, would make over-tenders highly unlikely.

¹⁷ Currently, unexercised long or short option positions relating to a target security have no effect upon a tendering person's ownership of, or net long position in, the underlying securities.

¹⁸ Advisory Committee Report, Recommendation No. 47 at 50.

The Commission believes that the subjective test proposed by the Advisory Committee would be difficult to administer and to enforce. The test might impose a different standard for every person who tenders and writes exchange-traded call options on those securities because every person would have a different level of market sophistication and would have varying judgments as to whether the call options are "highly likely" to be exercised. The Commission solicits comment, however, on the Advisory Committee's formulation.

The Commission is proposing for comment an alternative approach that would employ an objective standard. Proposed paragraph (a)(5) would require a shareholder to deduct from his net long position the number of shares deliverable upon exercise of any exchange-traded¹⁹ call option contracts he has written with an exercise price which is less than the tender offer price or the stated value of the consideration offered.²⁰ Because all tendering shareholders must be net long the amount of securities tendered at the moment of tender and at the end of the proration period, or on the last day securities may be tendered in order to be accepted by lot where that method of acceptance is used, a shareholder will be prohibited from tendering those securities on which he or she has written an exchange-traded call option with an exercise price below the stated value of the offered consideration.

The Commission recognizes that the application of the objective standard proposed will occasionally result in the deduction of shares from a net long position in circumstances where the call option is unlikely to be exercised. This could occur if there are options on the target securities with an exercise price less than the tender offer price but above the market price of the target securities, if the actual value of the consideration is substantially below its stated value,²¹ or if the tender offer

¹⁹ In the event that the National Association of Securities Dealers becomes authorized to trade standardized options contracts, the Commission envisions amending the Rule to include those options within the provisions of paragraph (a)(5).

²⁰ If the market price of the target securities, rather than the tender offer price, were the benchmark for determining whether an option is in-the-money, there could be minute-to-minute changes in a person's net long position as the market price fluctuates. This would require tendering persons who have written call options, to ascertain the current market price when they tender and at the end of the proration period.

²¹ For example, a bidder may offer, for each share of a target, debt securities with a stated value or principal amount of \$50. These securities may be valued in the market at \$40. A call option on the target's securities with an exercise price of \$45

premium is small in relation to the value of the option due to its remaining life. In most cases, of course, call options written on a target security will be deep-in-the-money because of the tender offer premium.

Paragraph (a)(5) also provides that a tender made in accordance with the Rule will not become a short tender solely because the status of options that were written prior to tendering has been changed by an increase in the consideration offered by the bidder.²²

Commentators are invited to address the particulars of the proposed amendments and to suggest alternative approaches. The Commission also solicits comments on the general economic effect of the proposed amendments, and specifically, the effect of the proposals on the market price of target securities.

III. Regulatory Flexibility Act Status

Pursuant to 5 U.S.C. 605(b), the Commission has certified that the proposed amendments to Rule 10b-4 would not, if adopted, have a significant impact on a substantial number of small entities. This certification, including the reasons therefore, is attached to the Release.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

IV. Text and Statutory Basis of Rule Amendments

On the basis of the above discussion, the Commission is proposing to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE, ACT OF 1934

By adding new paragraphs (a)(5) and (b)(4) to § 240.10b-4 to read as follows:

§ 240.10b-4 Short tendering of securities.

(a) * * *

(5) A person's net long position, as that term is used in paragraph (a)(1) of this rule, shall not include the number of shares of subject securities deliverable

would thus be "in-the-money" under the proposed standard even though it would not be likely to be exercised.

²² An increase in consideration could otherwise have the effect of requiring a deduction from a net long position if an increase in consideration between the time of tender and the end of the proration period caused an option with an exercise price above the original consideration (*i.e.*, an out-of-the-money option, which has no effect on the tenderor's net long position) to become one with an exercise price below the revised consideration, *i.e.*, in-the-money.

upon exercise of any exchange-traded call options that the person has written with an exercise price that is lower than the tender offer price or stated amount of the consideration offered. *Provided, however,* that no tender made in accordance with this rule shall become invalid solely because the status under this paragraph of options that were written prior to tendering has been changed by an increase in the consideration offered.

(b) * * *

(4) By guarantee of delivery unless all securities tendered pursuant to that guarantee are delivered to the offeror or the offeror's agent.

* * * * *

Statutory Authority

The proposed amendments to Rule 10b-4 would be promulgated under the Act, 15 U.S.C. 78a *et seq.*, and particularly Sections 3(b), 10(a), 10(b), 14(e), 15(b) and 23(a) of the Act [15 U.S.C. 78c(b), 78j(a), 78j(b), 78n(e), 78o(b) and 78w(a)].

By the Commission.
George A. Fitzsimmons,
Secretary.
June 15, 1984.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to Rule 10b-4 set forth in Securities Exchange Act Release No. 34-21049, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reasons for this certification are that the proposed amendments, if adopted, would not impose or remove any reporting, data collection or recordkeeping requirements. In addition, no substantial number of small entities are engaged in the conduct to be prohibited.

Dated: June 15, 1984.

John S.R. Shad,
Chairman.

[FR Doc. 84-16481 Filed 6-19-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 80N-0373]

Cheese and Related Cheese Products; General Standard of Identity for "Certain Other Cheeses;" Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on its proposal to establish a general standard of identity for "certain other cheeses." FDA received three requests for an extension of the comment period and it is granting an additional 90 days. Elsewhere in this issue of the *Federal Register*, FDA is extending the period for submitting comments on its proposal to repeal the class standards of identity for hard cheeses, soft ripened cheeses, semisoft cheeses, and semisoft part-skim cheeses.

DATE: Comments by September 20, 1984.

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

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrah, Center for Food Safety and Applied Nutrition (HFF-206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0116.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of April 23, 1984 (49 FR 17018), FDA issued a proposal that would establish a general standard of identity for "certain other cheeses." Elsewhere in that same issue of the *Federal Register* (49 FR 17017), FDA proposed to repeal the class standards of identity for hard cheeses, soft ripened cheeses, semisoft cheeses, and semisoft part-skim cheeses. FDA asked for comments by June 22, 1984.

Two manufacturers, one importer, and one trade association submitted requests for an extension of time on these proposals. The range of time requested by them was from 60 to 120 days. The requests stated that the documents require careful consideration by various interested persons within the cheese industry, including specialty cheese importers whose products would be particularly affected.

After carefully evaluating the requests, FDA has concluded that an extension of 90 days is appropriate to provide adequate time to prepare responses to the proposed regulations. FDA recognizes the significance of the issues involved in this matter and wishes to ensure that all interested persons have a fair amount of time for comment. Therefore, FDA has concluded that the comment period should be extended until September 20, 1984.

Interested persons may, on or before September 20, 1984, submit to the Dockets Management Branch (address

above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 14, 1984.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 84-16387 Filed 6-15-84; 10:49 am]

BILLING CODE 4160-01-M

21 CFR Part 133

[Docket No. 80N-0372]

Cheese and Related Cheese Products; Repeal of Four Class Standards of Identity; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on its proposal to repeal the class standards of identity for hard cheeses, soft ripened cheese, semisoft cheeses, and semisoft part-skim cheeses. FDA received three requests for an extension of the comment period and it is granting an additional 90 days. Elsewhere in this issue of the *Federal Register*, FDA is extending the period for submitting comments on its proposal to establish a new class standard of identity for "certain other cheeses."

DATE: Comments by September 20, 1984.

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

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrah, Center for Food Safety and Applied Nutrition (HFF-206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0116.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of April 23, 1984 (49 FR 17017), FDA issued a proposal that would repeal the class standards of identity for hard cheeses, soft ripened cheeses, semisoft cheeses, and semisoft part-skim cheeses. Elsewhere in that same issue of the *Federal Register* (49 FR 17018), FDA proposed to establish a new class standard of identity for "certain other cheeses." FDA requested

comments on these proposals by June 22, 1984.

Two manufacturers, one importer, and one trade association submitted requests for an extension of time on these proposals. The range of time requested by them was from 60 to 120 days. The requests stated that the documents require careful consideration by the various interested persons within the cheese industry, including specialty cheese importers whose products would be particularly affected.

After carefully evaluating the requests, FDA has concluded that an extension of 90 days is appropriate to provide adequate time to prepare responses to the proposed regulations. FDA recognizes the significance of the issues involved in this matter and wishes to ensure that all interested persons have a fair amount of time for comment. Therefore, FDA has concluded that the comment period should be extended until September 20, 1984.

Interested persons may, on or before September 20, 1984, submit to the Docket Management Branch (ADDRESS above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 14, 1984.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 84-16368 Filed 6-15-84; 10:48 am]
BILLING CODE 4160-01-M

21 CFR Parts 182 and 184

[Docket No. 80N-0148]

Hydrochloric Acid; Proposed Affirmation of GRAS Status as a Direct Human Food Ingredient; Extension of Comment Period

AGENCY: Food and Drug Administration.
ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on its proposal to affirm that hydrochloric acid is generally recognized as safe (GRAS) as a direct human food ingredient. FDA received two requests for an extension

of the comment period, and it is granting an additional 90 days.

DATE: Comments by September 24, 1984.

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

FOR FURTHER INFORMATION CONTACT: Susan Thompson, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-9463.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 26, 1984 (49 FR 17966), FDA issued a proposal to affirm that hydrochloric acid is GRAS for use as a direct human ingredient. FDA asked for comments by June 25, 1984.

A chemical manufacturer and national trade association asked FDA to extend the comment period for 90 days. Both requests stated that they would have to obtain additional data or information about hydrochloric acid before they could provide the necessary response to the proposed rule, and that they would not be able to meet the June 25, 1984 date.

After carefully evaluating the requests, FDA has concluded that an extension is appropriate to provide adequate time to prepare responses to the proposed regulation. FDA recognizes the significance of the issues involved in this matter and wishes to ensure that all interested persons have a fair amount of time for comment. Therefore, FDA has concluded that the comment period should be extended an additional 90 days.

Interested persons may, on or before September 24, 1984, submit to the Dockets Management Branch (ADDRESS above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 14, 1984.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 84-16368 Filed 6-15-84; 10:50 am]
BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-409]

Crane or Derrick Suspended Personnel Platforms

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Extension of written comment period; notice of informal public hearing.

SUMMARY: This notice reopens the comment period for written responses to OSHA's notice of proposed rulemaking on Crane or Derrick Suspended Personnel Platforms (49 FR 6280, February 17, 1984) until August 10, 1984 in order to assure the fullest participation of interested parties.

In addition, OSHA is scheduling an informal public hearing concerning the proposed rule covering Crane or Derrick Suspended Personnel Platforms.

DATES: Notices of intention to appear at the informal public hearing must be postmarked by July 27, 1984. Written comments must be postmarked by August 10, 1984. In addition, testimony and all evidence which will be introduced into the hearing record must also be postmarked by August 10, 1984. The hearing will begin at 9:30 a.m. on September 11, 1984, in Washington, D.C. and may continue for more than one day based on the number of notices of intention to appear which are received.

ADDRESSES: Four copies of the written comments must be submitted to the Docket Officer, Docket S-409, Room S6212, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523-7894.

Four copies of the notice of intention to appear, and testimony and documentary evidence which will be introduced into the hearing record, must be submitted to Mr. Tom Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N3662, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523-8024.

The hearing will be held in the Auditorium, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Hearing: Mr. Tom Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Division of Consumer Affairs, Room

N3662, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523-8024.

Proposal: Mr. James Foster, Occupational Safety and Health Administration, Office of Information, Room N3637, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION: OSHA published a Notice of Proposed Rulemaking on February 17, 1984 (49 FR 6280), which proposed to revise § 1926.550, Crane and Derricks, of the Construction Industry Standards, by adding a new paragraph (g). Interested persons were given until April 17, 1984 to submit comments pertaining to the proposal. The notice of proposed rulemaking also informed the public of the opportunity to request an informal public rulemaking hearing on the proposal.

OSHA received 58 written comments in response to the proposal, including a request for an informal hearing.

Extension of Comment Period

To ensure the fullest participation of interested parties, OSHA is extending the period in which written comments may be submitted on the proposed rule until August 10, 1984. All written comments will become part of the record upon which the final rule will be based. Commenters are requested to provide substantive data and documentary evidence in support of their views and arguments on the proposal.

Public Hearing

OSHA has scheduled an informal public hearing to begin on September 11, 1984 to examine specific issues raised in the comments. The issues on which comments and testimony are specifically invited are listed below.

1. OSHA seeks comments on whether the use of cranes or derricks to hoist personnel platforms should be limited to specific circumstances, and if so, how should those circumstances be specified in the rule.

OSHA proposed, in paragraph 550(g) (2), to permit cranes or derricks to hoist personnel platforms only when their use is as safe as the erection, use, or dismantling of conventional means of reaching the worksite, or when those means are either more hazardous or are not possible because of structural design or worksite conditions. This limitation was specifically highlighted at 49 FR 6281 as an issue for comment.

Some commenters endorsed the proposed language, or recommended revising it while still retaining a limit on

such usage. Others argued that the hoisting of personnel platforms is inherently dangerous, can never be done safely, and therefore should be prohibited. Still others argued that an operation performed in accordance with the proposed rules is safe, and therefore should not be limited at all.

OSHA relied, in particular, on drafts of ANSI B30.5-1982, paragraph 3.2.2, and ANSI A10.28-1983 (which have since been finalized and published), in proposing permissible and proper uses for crane or derrick suspended personnel platforms. In addition, several large construction firms have developed related work practices which limit such uses. Furthermore, a leading hydraulic crane manufacturer has limited the circumstances under which it would consent to the lifting of personnel with one of its cranes. OSHA determined, during the development of the proposed rule, that the available evidence provided a sound basis for limiting the use of cranes or derricks to hoist personnel.

Several commenters objected to the terminology used to limit the use of cranes or derricks to hoist personnel. The terms "as safe as" or "more hazardous than" were criticized as vague and unenforceable.

One of the strongest objections to this language was submitted by the Manufacturers of Telescoping and Articulating Cranes Council (MOTACC). MOTACC stated that for heights less than 100 feet, and for excavations, an alternative means is always available that is both feasible and safer than the use of crane or derrick suspended personnel platforms; even a boom-attached personnel bucket is always safer than a platform suspended on the rope. MOTACC also stated that the shifting to the employer of the burden to decide whether the use of a crane or derrick suspended personnel platform is "as safe as" some other means of transporting personnel falsely presumes that the average construction contractor will always have the requisite knowledge and judgement to make a correct determination in this regard.

OSHA acknowledges that the phrases "as safe as" or "more hazardous than" will require a subjective determination, in the absence of specific criteria. That same criticism can also be applied to terms such as "the most practical (or feasible) means." Although subjective, terms such as these are found in practically every current code or work practice.

OSHA solicits additional information, particularly any quantitative risk analysis or definitive study which would assist in resolving the issues which have

been raised. OSHA would, in particular, appreciate comment and testimony on these questions:

- Should the practice of hoisting personnel be limited or not? Why?
- If a limitation is justified, what wording should be used to ensure that the limitation is clear, concise, protective, and enforceable? What criteria could be used to determine compliance with such limiting language? Recommendations should be accompanied by supporting data and information.

2. Two commenters have disputed OSHA's determination that derating a crane's capacity by 50 percent would double the wire rope safety factors. Although OSHA did not propose to require the safety factors for the boom ropes and pendants to be doubled, it stated in the Preamble (49 FR 6282) that the 50 percent derating would result in a doubling of those safety factors. The comments indicated that under two circumstances, a 50 percent derating may increase a crane's margin of stability without proportionately increasing rope factors of safety.

One commenter stated that the number of parts of fall lines must remain the same for the 50 percent derating to have a resultant doubling of the load line safety factor. OSHA seeks comment on this issue.

Comments also indicated that the 50 percent derating does not double the safety factors of the boom running and pendant ropes at low angles to the horizontal plane. Those comments indicated that at these low angles, the tension in these ropes is determined more by the weight of the boom than by the weight of the lifted load.

OSHA solicits comment on whether employees in a crane suspended personnel platform would be exposed to a significant risk if the safety factors for the boom hoist ropes and pendants were not doubled. Commenters are requested to provide substantiation of the risk and to submit recommendations for the language of the rule.

If the data supports an increase in the safety factors for the boom hoist ropes and pendants, then it appears that the boom angle or the hook load will need to be limited. At least two approaches to this problem have been suggested.

One recommended solution is for the employer to consult the manufacturer for the appropriate boom angle and/or hook load in each specific situation. OSHA solicits comment on the practicality of such a rule.

Another possibility would be for OSHA to state a limit on the boom angle that would be appropriate for all

situations. If that is a practical solution, what should be the maximum angle, and what is the justification for it?

OSHA also received a comment that the load rating chart should be derated by 75 percent instead of 50 percent. That would result in some increase of the safety factors for the wire ropes and pendants, but that increase would vary with the boom angle. OSHA solicits comment on the feasibility and practicality of a 75 percent derating, and requests information on whether such a derating is necessary to assure employee safety.

3. Several commenters have suggested that OSHA should provide for a delayed effective date when publishing the final rule. This delay would provide manufacturers and users time to retrofit cranes and otherwise comply with the standard. OSHA solicits comment on whether such a delayed effective date would be necessary and, if so, how long it would take to come into compliance. OSHA solicits specific data on the number of cranes involved, the equipment that would necessitate such a delay, and any other additional information to justify such a grace period.

4. Several commenters, including crane manufacturers, responding to Issue Seven in the proposal, have endorsed the concept of automatic (deadman) brakes. One commenter specifically mentioned that such breaks have been proven both feasible and effective on clutch driven cranes. OSHA solicits further comment on the desirability and feasibility of automatic brakes that will stop and hold the load upon release of the controls by the operator.

5. OSHA has received many comments on the proposed requirement that anti-two-blocking protection be installed on cranes and derricks used to hoist personnel. The comments ranged from assertions by users that anti-two-blocking equipment is undependable and infeasible, to statements by crane manufacturers, who have been selling anti-two-blocking equipment on hydraulic cranes, that such equipment is dependable and very effective. The manufacturers also stated that they require their systems to incorporate "control level lockout" or "stop and hold" features. Such features allow the machine to work only in a way that would keep the machine out of the two-blocking situation. OSHA solicits additional comment on this issue, and also refers readers to Issue Four(c) in the proposal, at 49 FR 6283.

6. OSHA seeks comment regarding a recommendation to exclude the types of derricks covered by ANSI B30.6. One

commenter stated that since such derricks are generally assembled, and in some cases designed, on the job site, the likelihood of an accident is higher than when using a crane. Further information is requested as to the current use of derricks to hoist personnel and the types of derricks used.

7. OSHA seeks comment on whether the scope of the standard should be broadened to cover all cranes, as was recommended by several commenters. If OSHA decides to broaden the rule's scope, would it have to change or add to the proposed rule's technical provisions? What would the required changes or additions be?

8. OSHA seeks comment on whether the combined requirements of proposed paragraph (g), and existing § 1926.550(f), *Floating Cranes and Derricks*, would provide sufficient protection for employees hoisted by floating equipment. If not, commenters are requested to provide background and justification for any recommendations for additional provisions.

9. It has been recommended that cranes used for pile driving and demolition be exempted from the power controlled load lowering requirements. OSHA realizes that free fall is necessary for such operation. However, OSHA solicits comments on whether such cranes without power controlled load lowering features should ever be allowed to hoist personnel. OSHA also solicits comment on the feasibility and associated costs of requiring that cranes used in such operations also be equipped with a drum that has the power controlled load lowering feature to use when hoisting personnel platforms.

10. In response to the proposed rule, several commenters recommended that additional requirements be included in paragraph 550(g). OSHA solicits comment on the related hazards and merits of the suggested additions, and welcomes suggestions for the wording of the rules. The commenters' recommendations are not expressed in precise regulatory language at this time, and are included to provide an opportunity for public comment. The recommendations are as follows:

A. The hoisting of any additional loads while hoisting personnel should be prohibited. (This refers to hoisting loads on the whip line while employees are in a platform on the main load line.)

B. Drum rotation indicators should be required.

C. Chain slings should be allowed for rigging the personnel platform.

D. Hand spliced slings should be prohibited for platform rigging.

E. Personnel platform lifts should be a single crane operation.

F. The hoist drum should have at least three wraps remaining on the drum at all times when using a personnel platform.

11. OSHA continues to seek information on the economic impact of the proposed regulation of crane or derrick suspended personnel platforms. Interested persons are encouraged to submit relevant economic information to OSHA to facilitate a complete determination of the anticipated regulatory impact of the standard.

Comments are invited on the above issues, as well as other relevant issues raised by the proposal.

Public Participation

Written comments on the proposal or on the issues listed in this notice must be postmarked by August 10, 1984. Four copies of these comments should be submitted to the Docket Office, Docket No. S-409, Room S-6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523-7894. All materials submitted will be available for inspection and copying at this address. In addition, under section 6(b)(3) of the Occupational Safety and Health Act, and 29 CFR Part 1911, an opportunity to testify orally concerning the issues raised in this notice will be provided at an informal public hearing.

Notice of Intention To Appear

Persons desiring to participate at the hearing, including those who previously requested that a public hearing be held, must file four copies of a notice of intention to appear with Mr. Tom Hall (address previously listed). This notice must be postmarked by July 27, 1984.

The notice of intention to appear, which will be available for inspection and copying at the OSHA Technical Data Center-Docket Office (address previously listed), must contain the following information:

1. The name, address and telephone number of each person to appear;

2. The capacity in which the person will appear;

3. The approximate amount of time required for the presentation;

4. The specific issue(s) that will be addressed;

5. A detailed statement of the position that will be taken with respect to each issue addressed; and

6. Whether the party intends to submit documentary evidence, and if so, a detailed summary of the evidence.

Filing of Testimony and Evidence Before the Hearing

Any person or organization requesting more than 10 minutes for a presentation at the hearing, or who will submit documentary evidence, must provide Mr. Tom Hall with four copies of the complete text of the testimony, including all documentary evidence. This material will be available for inspection and copying at the Technical Data Center-Docket Office. This material must be postmarked by August 10, 1984. Each submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Any party who has not substantially complied with the above requirement may be limited to a 10 minute presentation, and may be requested to return for questioning at a later time. Any party who has not filed a notice of intention to appear may be allowed to testify, as time permits, at the discretion of the Administrative Law Judge.

Conduct of the Hearing

The hearing will commence at 9:30 a.m. on September 11, 1984, in the Auditorium of the Frances Perkins Department of Labor Building, with the resolution of any procedural matters relating to the proceeding. The hearing will be presided over by an Administrative Law Judge who will have all the powers necessary or appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911, including the powers:

1. To regulate the course of the proceedings;
2. To dispose of procedural requests, objections and comparable matters;
3. To confine the presentation to the matters pertinent to the issues raised;
4. To regulate the conduct of those present at the hearing by appropriate means;
5. In the Judge's discretion, to question and permit questioning of any witness; and
6. In the Judge's discretion, to keep the record open for a reasonable stated time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and Health.

Proposed § 1926.550(g) will be reviewed in light of all testimony and written submissions received as part of the record, and a standard will be issued, or a determination will be made not to issue a rule, based on the entire record of the proceeding, including the earlier written comments and evidence received through the public hearing.

Authority

This document was prepared under the direction of Patrick R. Tyson, Deputy Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

It is issued pursuant to Sec. 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655); Sec. 107 of the Construction Safety Act (83 Stat. 96, 40 U.S.C. 333); Secretary of Labor's Order No. 9-83 (48 FR 35736); and 29 CFR Part 1911.

Signed at Washington, D.C., this 12th day of June 1984.

Patrick R. Tyson,

Deputy Assistant Secretary of Labor.

[FR Doc. 84-18274 Filed 6-19-84; 8:45 am]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[OAR-FRL 2611-2; Docket No. AWO46MD]

Proposed Approval of a Revision to the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On July 12, 1983 the State of Maryland submitted a revision to the State Implementation Plan (SIP) in the form of a Plan for Compliance (PFC) for the J.L. Clark Manufacturing Company (the Company) in Havre De Grace, Maryland. The proposed PFC ensures that the Company will come into compliance with Maryland's volatile organic compound (VOC) and visible emission (VE) regulations (COMAR 10.18.21.13B and 10.18.06.02B). Compliance is to be achieved by replacing coatings which now have a higher than allowable VOC content with compliance coatings. If replacement coatings cannot be developed by May 30, 1985, the Company will submit an alternative compliance plan. This plan, if accepted by the State, will be based on the alternative method for accessing compliance provided by COMAR 10.18.21.02C and will ensure compliance

by October 1, 1985. If this plan is unacceptable, the Company must submit by July 1, 1985 a plan for the installation of control equipment, which will ensure compliance by March 1, 1986.

EFFECTIVE DATE: Comments must be submitted on or before July 20, 1984.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Air Programs Branch, (3AM10) Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106; ATTN: Ms. Pat Gaughan
Maryland Air Management Administration, Maryland Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, MD 21201

All comments on the proposed revision submitted within 30 days of publication of this Notice will be considered and should be directed to Mr. James E. Sydnor at the EPA Region III address stated above. Please reference the EPA Docket number found in the heading of this Notice.

FOR FURTHER INFORMATION CONTACT:

Mr. James Topsale, P.E. or Mr. Paul Racette at the Region III address stated above or telephone 215/597-4553 or 215/597-2746.

SUPPLEMENTARY INFORMATION: The J.L. Clark Manufacturing Company, located in Havre De Grace, Maryland is a manufacturer of decorated metal containers and sheets. The coating operations at the Company are subject to the provisions of Sections 10.18.21.13B and 10.18.06.02B of the State of Maryland's Code of Maryland Regulations (COMAR). These regulations govern miscellaneous coating operations and visible emissions. The subject of this revision is a Plan for Compliance (PFC) in the form of a Secretarial Order between the Company and the Maryland Department of Health and Mental Hygiene (DHMH).

The program in the PFC will ensure that the Company comes into compliance with COMAR 10.18.21.13B and COMAR 10.18.06.02B as expeditiously as possible, but no later than March 1, 1986.

The Company's primary control strategy is to develop compliance coatings. The Company currently has 12 coating materials that must be replaced. The PFC provides a schedule which details the implementation of low solvent coatings use into the Company's production lines. In a June 15, 1983 letter to the Maryland Air Management

Administration (MAMA), the Company provided a schedule for each coating line which designates specific dates for product screening, limited commercial runs of screened material, full scale production runs, and the complete replacement of old inventories with the new coatings. By May 30, 1985, the Company is to meet the requirements of the VOC and VE standards for every coating used in production. Reasonable emission reductions are expected to occur each year before the compliance date. This plan includes any coatings added to the Company's production schedule after the signing (February 15, 1983) of the subject PFC. Coatings introduced after May 30, 1985 will be in compliance at the time of their introduction.

After May 30, 1985, all coating will be in compliance with the regulations or the Company will submit an alternative compliance plan. The Company will first submit a plan to bubble their emissions into compliance. This must assure full compliance by October 1, 1985, and it involves the development of an "alternative method of assessing compliance" as provided by COMAR 10.18.21.02C.¹ If this plan is not found acceptable by the State, the Company will submit by July 1, 1985 a plan to achieve compliance through the installation of control equipment. This plan will assure full compliance by March 1, 1986.

The control equipment strategy includes a schedule indicating dates for submitting a permit to construct application, issuing purchase orders, initiating construction, and completing the installation and de-bugging of the control equipment.

EPA Evaluation

Based on our review of the PFC, EPA is today proposing to approve it as a SIP revision. The State of Maryland has certified that after adequate public notice, a public hearing was held with respect to the proposed SIP revision. The public notice was published on March 31, 1983 and on April 1, 1983, and the public hearing was held in Baltimore, Maryland on May 3, 1983.

EPA's proposed approval of this PFC is based in part on the State's demonstration that the Reasonable Further Progress curve will not be significantly affected by the plan, and on evidence that the plan will achieve compliance as expeditiously as possible. MAMA has submitted emission

estimates that demonstrate reasonable reductions in VOC emissions on a year by year basis, starting in 1979 and ending in 1986. Emissions are reduced from 93.9 tons/year in 1979 to 41.0 tons/year in 1986, when full compliance will be achieved. The plan represents a schedule that achieves compliance as expeditiously as practicable. This conclusion is based upon MAMA's opinion, detailed information submitted by the Company and less detailed information on other companies who utilize similar coatings.

Conclusion

The Regional Administrator's decision to propose approval of the revised plan for compliance is based on a determination that the SIP revision meets the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for preparation, adoption and submittal of State Implementation Plans (SIP). The public is invited to submit to the EPA address stated above comments on whether the proposed revision to the State of Maryland's SIP should be approved.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. Pursuant to the provisions of 5 U.S.C. 605(b), the Administration has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1982).

List of Subjects in 40 CFR Part 52

Air pollution control, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(42 U.S.C. 7401-7642)

Dated: April 26, 1984.

Thomas P. Eichler,
Regional Administrator.

[FR Doc. 84-16299 Filed 6-19-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[OAR-FRL 2611-7; EPA Docket No. 107-PA-15]

Air Programs; Commonwealth of Pennsylvania; Attainment Status Designations

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a request from the Commonwealth of Pennsylvania to revise the attainment

status designation of 20 areas in Pennsylvania with respect to TSP. EPA is also proposing to approve a request from the Commonwealth to revise the attainment status designations, at 40 CFR 81.339, of (20) counties in Pennsylvania from "Does Not Meet Primary Standards" (nonattainment) to "Cannot be Classified or Better Than National Standards" (attainment/unclassifiable) relative to the ozone National Ambient Air Quality Standards (NAAQS).

Additionally, EPA is proposing to disapprove the Commonwealth's request to redesignate (22) counties with respect to the ozone NAAQS. The intent of this notice is to discuss the results of EPA's review of the Commonwealth's redesignation request and to solicit public comments on the revisions and EPA's proposed action.

DATE: Comments must be submitted on or before July 20, 1984.

ADDRESSES: Copies of the proposed redesignation request and accompanying support material are available for public inspection during normal business hours at the following locations.

U.S. Environmental Protection Agency,
Region III, Air Management Division,
Curtis Building, Tenth Floor, Sixth and
Walnut Streets, Philadelphia, PA.
19106. ATTN: Donna Abrams
Commonwealth of Pennsylvania,
Department of Environmental
Resources, Bureau of Air Quality
Control, 200 North 3rd Street,
Harrisburg, PA. 17120

FOR FURTHER INFORMATION CONTACT:
Donna Abrams (3AM11) at the EPA,
Region III address above or call (215)
597-9134.

All comments on the proposed revisions submitted within 30 days of publication of this notice will be considered and should be directed to Mr. Glenn Hanson, Chief of the PA/WVA Section at the EPA, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, EPA Docket No. 107-PA-15.

SUPPLEMENTARY INFORMATION:

I. Background

TSP

The Pennsylvania Department of Environmental Resources has submitted to the U.S. Environmental Protection Agency (EPA), on July 5, 1983, a request to have the following areas redesignated with respect to TSP:

Conshohocken Boro, Troop Borough, City of Wilkes-Barre, Laureldale Borough, Temple Borough, Muhlenberg Township, and

¹This regulation was proposed for approval by EPA in a separate Federal Register Notice issued at 49 FR 10129, March 19, 1984, under EPA Docket No. AW048MD.

Brownsville Borough redesignated from "Does Not Meet Secondary Standards" to "Better Than National Standards."

City of York, Carroll Township and Donora Borough redesignated from "Does Not Meet Primary Standards" to "Better Than National Standards."

City of Palmerton and the City of New Kensington redesignated from "Cannot be Classified to 'Better Than National Standards'."

City of Lancaster, Manheim Township, West York Borough, West Manchester Township, City of Johnstown, Dale Borough, Upper Beaver Valley (except Elwood City Borough and the City of New Castle) and Lower Beaver Valley (except Aliquippa Borough, Baden Borough, and Midland Borough) redesignated from "Does Not Meet Primary Standards" to "Does Not Meet Secondary Standards."

Eight (8) quarters of data were used to justify these proposed redesignations.

Redesignation Criteria for TSP

As stated in 40 CFR Part 50, the National Primary Ambient Air Quality Standards for particulate matter are as follows:

a. 75 micrograms per cubic meter-annual geometric mean.

b. 260 micrograms per cubic meter-maximum 24-hour concentration not to be exceeded more than once per year.

The National Secondary Ambient Air Quality Standards for particulate matter are:

a. 60 micrograms per cubic meter-annual geometric mean as a guide to be used in assessing implementation plans to achieve the 24-hour standard.

b. 150 micrograms per cubic meter-maximum 24 hour concentration not to be exceeded more than once per year.

Ozone

Under section 107(d) of the Clean Air Act (Act) the Administrator of EPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for all areas within each State (see, FR 8962 (March 3, 1978)). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

On July 5, 1983, the Pennsylvania Department of Environmental Resources (PA DER) submitted a request to EPA to revise the § 107 attainment status designations for 42 counties based on the following two criteria:

1. Areas which currently are not required to have ozone monitors, are considered rural, are covered by statewide RACT regulations for VOC, and are not associated with any transportation control area, or

2. Areas which have air quality data justifying attainment redesignation.

In reviewing DER's redesignation request, EPA analyzed the monitoring

data submitted by the Commonwealth, along with supplemental monitoring data from areas adjoining the counties requested for redesignation. EPA also analyzed the locations of the counties under consideration in relation to the proximity of other nonattainment areas.

Redesignation Criteria for Ozone

When considering a redesignation request for ozone, a number of criteria must be considered. The most important is the ozone NAAQS, which is specified in 40 CFR Part 50. The NAAQS for ozone is defined to be violated when the annual average expected number of daily exceedances of the standard (0.12 parts per million (ppm), 1-hour average) is greater than one (1.0). A daily exceedance occurs when the maximum hourly ozone concentration during a given day exceeds 0.124 ppm ("Guideline for the Interpretation of Ozone Air Quality Standard," EPA-450/4-79-003). The expected number of daily exceedances is calculated from the observed number of exceedances by making the assumption that non-monitored days (invalid or incomplete) have the same fraction of daily exceedances as observed on monitored days (EPA-540/4-79-003).

Specific criteria for ozone redesignation reviews are given in an April 21, 1983, policy memorandum from Sheldon Meyers, Director of U.S. EPA's Office of Air Quality Planning and Standards. This memorandum summarizes and clarifies existing policy for reviewing designations and provides new guidance on processing these actions.

For a non-monitored area, EPA considers its proximity to major precursor source areas (generally major urban area) and wind directions. Data from areawide ozone-precursor studies in the vicinities of major urban area, such as St. Louis and Philadelphia, as well as data from rural monitoring sites in Region III, indicate that ozone transport at significant levels can occur over considerable distances downwind from urban areas. Based on these studies and data, and in the absence of any monitoring data, counties immediately downwind from major urban areas are generally assumed to be nonattainment.

Given the regional nature of ozone concentrations, as confirmed in the St. Louis and Philadelphia studies, it is reasonable to assume that non-monitored counties adjoining monitored nonattainment areas are themselves probable nonattainment areas. The probability of nonattainment is particularly high in those counties which are both immediately downwind of

major urban areas and adjoining geographically similar monitored rural nonattainment areas.

The results of EPA's review are presented below. The presentation is divided into two sections: proposed disapproval and proposed approval.

Proposed Disapproval

EPA finds that a redesignation of several Counties is not approvable at this time. Included below is a table which contains a brief explanation of the basis for each proposed disapproval:

Counties Requested by DER to be Redesignated Attainment Per Criteria (I) and EPA Comment

Adams	Adjacent to York Co. which has monitored nonattainment.
Bedford	Same monitor as Cambria Co. which has monitored nonattainment.
Carbon	Adjacent to and downwind of Lehigh, Northampton and Berks Counties which have measured nonattainment.
Centre	Adjacent to or within transport distance of Cambria and Perry Cos. which have measured nonattainment.
Clearfield	Adjacent to Cambria Co. which has measured nonattainment.
Crawford	Adjacent to Erie Co. and Ohio which have measured nonattainment.
Fayette	Adjacent to Washington Co. with measured nonattainment.
Franklin	Adjacent to Perry Co. with measured nonattainment.
Greene	Adjacent to Washington Co. with measured nonattainment. Also, part of the S.W. PA AQCR (Pittsburgh).
Indiana	Adjacent to Cambria Co. with measured nonattainment. Also, part of the S.W. PA AQCR (Pittsburgh).
Juniata	Adjacent to Perry Co. with measured nonattainment.
Lebanon	Adjacent to York and Lancaster Cos. which have measured nonattainment.
Monroe	In N.E. Corridor adjacent to Northampton Co. with measured nonattainment.
Northumberland	Adjacent to Perry Co. with measured nonattainment.
Pike	N.E. Corridor near Lackawanna Co. with measured nonattainment. Transport from S.E. PA. (Phila., ABE areas).
Schuylkill	Adjacent to Berks and Lehigh Cos. with measured nonattainment.
Snyder	Adjacent to Perry Co. with measured nonattainment.

Somerset
Adjacent to Cambria Co. with measured nonattainment.

Susquehanna
Adjacent to Lackawanna Co. with measured nonattainment.

Warren
Adjacent to Erie Co. with measured nonattainment.

Wayne
Adjacent to Lackawanna Co. with measured nonattainment.

Wyoming
Adjacent to Lackawanna Co. with measured nonattainment.

Proposed Approval

EPA finds that a redesignation of several counties in Pennsylvania is approvable at this time. Based on EPA's analysis of the proximity of these counties to major urban areas and on EPA's review of available ambient ozone monitoring data in nearby counties, EPA believes that 20 counties in Pennsylvania's redesignation request have attained the ozone NAAQS. Included below is a table which contains a brief explanation of the basis for each proposed approval with respect to criteria (1).

Counties Requested by DER to be Redesignated Attainment Per Criteria (1) and EPA Comment

Bradford
Rural area with no monitoring data adjacent to and downwind of Lycoming Co. which has measured attainment.

Cameron
Rural area with no monitoring data.

Clairton
Rural area with no monitoring data adjacent to or within impact area of Butler, Lawrence and Mercer Cos. which have measured attainment.

Clinton
Rural area with no monitoring data.

Columbia
Rural area with no monitoring data—adjacent to Luzerne Co. with measured attainment.

Elk
Rural area with no monitoring data.

Forest
Rural area—nearest monitors (Butler, Lawrence and Mercer Cos.) show attainment.

Fulton
Rural area with no monitoring data.

Huntingdon
Rural area with no monitoring data—adjacent to Blair Co. with measured attainment.

Jefferson
Rural area with no monitoring data.

McKean
Rural area with no monitoring data.

Mifflin
Rural area with no monitoring data.

Montour
Rural area with no monitoring data.

Potter
Rural area with no monitoring data.

Sullivan
Rural area with no monitoring data.

Rural area—closest monitors are in Lycoming and Luzerne Cos. which show attainment.

Tioga
Rural area—downwind of Lycoming Co. with measured attainment.

Union
Rural area with no monitoring data.

Venango
Rural area with no monitoring data—downwind of Mercer, Lawrence and Butler Cos. which have measured attainment.

In addition to the preceding (18) counties proposed for approval per Criteria (1), there are two counties, Mercer and Lycoming, proposed for approval per Criteria (2).

Interested parties are invited to submit comments on this action. EPA will consider comments received within 30 days of publication of this notice.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

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

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended (42 U.S.C. 7407))

Dated: May 8, 1984.

Stanley L. Laskowski,
Regional Administrator.

[FR Doc. 84-16396 Filed 6-19-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-111; RM-4557]

TV Market in Orlando-Daytona Beach, Melbourne, and Cocoa, Florida; Order Extending Time for Filing Comments and Replies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding to amend the Table of Major Television Markets by including Melbourne and Cocoa, Florida, in the Orlando-Daytona Beach, Florida, hyphenated market in response to

petitions for rule making filed by Southern Broadcasting Corporation and by Good Life Broadcasting, Inc., respectively.

DATES: Comments must be filed on or before July 23, 1984, and reply comments must be filed on or before August 7, 1984.

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

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 76.51, major television markets (Orlando-Daytona Beach, Melbourne, and Cocoa,¹ Florida; MM Docket No. 84-111, RM-4557).

Adopted: June 6, 1984.

Released: June 14, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making* (49 FR 7414, published February 29, 1984) issued in response to a Petition for Rule Making filed by Southern Broadcasting Corporation ("Southern") proposing to amend the list of the top 100 television markets set forth in § 76.51 of the Commission's cable television rules. Southern requested that Melbourne, Florida be added to the existing Orlando-Daytona Beach, Florida (#55) designation to create an Orlando-Daytona Beach-Melbourne, Florida hyphenated market designation. The comment and reply comment deadlines set forth in the *Notice* were April 16 and May 1, 1984, respectively.

2. On April 26, 1984, Good Life Broadcasting, Inc. ("Good Life") filed comments supporting the proposal and requesting that Cocoa, Florida be added to the existing designation to create an Orlando-Daytona Beach-Melbourne-Cocoa, Florida hyphenated market designation. Good Life, licensee of television station WTGL-TV, Cocoa, Florida asserts that the case for expanding the hyphenated market to include Melbourne is also applicable to Cocoa, Florida, which is similarly situated in the market. Good Life urges acceptance of its late-filed comments, since they were hand-served on the other parties, no new facts are raised, and the deadline for reply comments was sufficient to accommodate responses to its comments.

¹ Cocoa has been added to the caption.

3. It appears that the determination of whether to grant Good Life's proposal to add Cocoa involves similar issues to that of Southern's proposal to add Melbourne to the existing hyphenated market designation. Thus, we believe it is appropriate and expeditious to decide those issues in the same proceeding. In order to allow other interested parties sufficient opportunity to comment on the proposal, we are extending the comment and reply comment periods in order to develop a sound and comprehensive record on which to base a decision on Good Life's proposal.

4. Accordingly, it is ordered, That the time for filing comments and reply comments in the captioned proceeding is extended to and including July 23, 1984, and August 7, 1984, respectively.

5. This action is taken pursuant to authority contained in sections 4(i), 5(d)(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.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-16435 Filed 6-19-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 84-414; FCC 84-171]

Policies and Provisions for Interconnection of Private Land Mobile Radio Systems With the Public Switched Telephone Network Below 800 MHz

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission has adopted a Notice of Proposed Rule Making amending Part 90 of the Commission's Rules by proposing to eliminate geographic and other restrictions imposed on the interconnection of private land mobile stations with the public switched telephone network below 800 MHz. This would conform to the rules for interconnection above 800 MHz adopted by the Commission's Memorandum Opinion and Order, Docket No. 20846, 48 FR 29,512 (June 27, 1982).

DATES: Comments are due by July 19, 1984 and replies by August 3, 1984.

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

FOR FURTHER INFORMATION CONTACT: Nia Chirigos Cresham, Private Radio Bureau, Land Mobile and Microwave Division, Rules Branch, (202) 634-2443.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 90

Private land mobile radio services, Radio.

Proposed Rulemaking

In the matter of amendment of part 90 of the Commission's Rules to Prescribe Policies and Regulations to Govern the Interconnection of Private Land Mobile Radio Systems with the Public Switched Telephone Network Below 800 MHz; PR Docket No. 84-414.

Adopted: April 26, 1984.

Released: June 12, 1984.

By the Commission.

Background

1. In 1978, the Commission issued a *First Report and Order* establishing rules to govern the interconnection of private land mobile radio systems with the public switched telephone network (PSTN) in the bands below 800 MHz.¹ Interim rules were applied to the bands above 800 MHz. The rules for interconnection below 800 MHz included: (1) Geographic limitations on all interconnected systems within 75 miles of 25 of the nation's largest urban areas in the Automobile Emergency, Business, Special Emergency, Special Industrial and Taxicab Radio Services;² (2) special provisions covering the use of internal systems of communication in conjunction with the operation of private land mobile stations; (3) special provisions governing the use of dial-up telephone circuits to control land mobile radio stations; and (4) special requirements pertaining to the operation of interconnected radio stations, such as channel monitoring by the control operator, and time limitations on the length interconnected communications. A limitation was also placed on the length of initial access transmissions to land mobile stations from the PSTN. Three seconds were allowed to alert a mobile station operator at which time the transmitter would shut down. The mobile operator then had to reinitiate the communication. In simplex operations, transmissions were limited to 30 seconds prior to shut down. Timers were required to be installed at all base station transmitters which would limit intercommunications to three minutes, prior to system shut down. We also issued separate regulations for paging and two-way voice and data

communications.³ Finally, we permitted licensees of existing interconnected systems to continue using them until January 1, 1984. On or prior to this date, however, all of these systems were to be brought into compliance with the rules we adopted in the *First Report and Order*.⁴

2. In 1982, we released our *Second Report and Order* adopting final rules to govern the interconnection of 800 MHz stations. After reviewing the entire history of this proceeding and re-affirming that interconnection in the private land mobile services was in the public interest,⁵ we adopted rules which were much less restrictive than those adopted in the *First Report and Order*.⁶ We concluded that eligibles in the private services should have "freedom to use state-of-the-art equipment and systems design" and that their use of their radio systems in an interconnected mode should not be "fettered unnecessarily by artificial limitations and restrictions."⁷ We decided not to adopt any geographical, radio service or time limit restrictions for the bands above 800 MHz.⁸ We also removed the interim restrictions at 800 MHz which required interconnection to take place at a licensee's premises and which prohibited interconnection at a common point by a group of licensees.⁹ In so doing, we concluded the effect of this rule was "unnecessarily inefficient" and denied private radio licensees and users alternatives such as non-profit sharing of telephone service and interconnection equipment which "may be economically more desirable." Interconnection was permitted in a manual or automatic mode and there were no time limits

¹ *Id.* at paragraph 5; See, *Memorandum Opinion and Order*, Docket No. 20846, FCC, for more detailed analysis of these rules.

² *Id.* Appendix B, § 90.951(f).

³ "Modern society could not function as it does without telephone communications, and information transmitted over private radio facilities often originates from a telephone and vice versa. Without interconnection, transfer of such information between radio and telephone facilities can only be accomplished orally through a third party, with the possibility of error. For this reason we concluded in *Carterfone*, 13 FCC 2d 420 (1968), that interconnection of private radio and telephone facilities is in the public interest, and it increases the utility both of radio facilities and the telephone facilities involved. Even parties opposing permissive interconnection herein do not deny this. Their main concern, rather, relates to the way in which interconnection of private systems to telephone facilities should be accomplished * * *. In sum the need for interconnection at 800 MHz is clear." *Second Report and Order*, Docket No. 20846, 89 FCC 2d 741 (1982) at paragraph 42.

⁴ *Second Report and Order*, *supra*, at paragraph 37.

⁵ *Id.*

⁶ *Id.*, at paragraph 50.

⁷ *Id.*, at paragraph 49.

¹ *First Report and Order*, Docket No. 20846, 69 FCC 2d 1831 (1978), 43 FR 38,396 (August 2, 1978).

² *Id.* at paragraph 4.

imposed on the length of communications. Finally, there were no requirements placed on licensees to employ specially designed channel monitoring equipment.¹⁰ However, Specialized Mobile Radio System (SMRS) base station licensees were prohibited from making arrangements for the telephone service. These changes in the regulatory structure were made to promote an increase in the utility of private land mobile systems by facilitating information flow¹¹ and maximizing the consumer choices of radio users, thereby serving the public interest as a whole.¹²

3. Petitions were received to reconsider various aspects of the *Second Report and Order*. On reconsideration, the *Second Report and Order* was modified by a *Memorandum Opinion and Order* which also addressed the effect of the "The Communications Amendments Act of 1982" on the rules governing the interconnection of private land mobile radio transmitters licensed to operate at 800 MHz.¹³ The *Memorandum Opinion and Order* further amended the rules to allow more flexibility for licensees of shared stations to obtain telephone service individually, jointly, or through third parties (including SMRS base station licensees) in recognition that this could facilitate the process to the betterment of the general public, as long as this telephone service was provided on a non-profit, non-resale basis. In addition, we rejected arguments that the interconnection device or "patch" is part of the telephone service and should be provided by an authorized carrier. We determined that the patch is simply an unlicensed piece of electronic gear broadly manufactured and available from many sources and there was no public interest reason for regulating the manner in which it was obtained.¹⁴ We

therefore allowed licensees to secure the device in the open market under whatever terms they wished. This *Second Report and Order* did not, however, alter the restrictions enumerated in the *First Report and Order* on systems operating below 800 MHz.

4. As already pointed out, in the *First Report and Order* we permitted licensees of existing interconnected systems operating below 800 MHz to continue to use them under the rules which applied prior to 1978 until January 1, 1984. By January 1, 1984, all of these systems were to be brought into compliance with the rules adopted in 1978. However, in view of the decisions reached in our *Second Report and Order*, and our action noted here proposing new rules to govern interconnection in below 800 MHz, we released an *Order* on December 30, 1983, suspending the January 1, 1984 compliance date for the existing interconnected systems operating below 800 MHz.¹⁵ We are now reviewing all of our below 800 MHz interconnection rules and policies.

Proposal

5. In view of the new legislation addressing the use of interconnection by private land mobile licensees, and recent technological developments facilitating the use of interconnection, we are initiating this proceeding in order to liberalize our rules governing interconnection below 800 MHz as we have done above 800 MHz.¹⁶ By reducing the restrictions imposed on interconnected systems below 800 MHz, we intend to encourage businesses to more effectively and efficiently utilize their private land mobile communications systems, thus promoting the public interest as a whole in better, more cost effective and efficient private communications systems.

6. For example, in our *First Report and Order*, we placed geographic limitations on the use of interconnected systems below 800 MHz in the Special Emergency, Business, Automobile Emergency, Special Industrial and Taxicab Radio Services. Interconnection is only permitted in these services if the base station site of the interconnected facility is located at least 75 miles from the centers of 25 urbanized areas identified in the rules.¹⁷

7. By way of contrast no geographic limitations were imposed on interconnection in the bands above 800 MHz.¹⁸ Instead interconnection was made secondary to dispatch operations. This approach sought to avoid the limitations inherent in absolute preclusion of interconnection while at the same time seeking a method of assuring the primacy of dispatching. This approach has thus far worked at 800 MHz and we now propose to apply it below 800 MHz, although we recognized that channel sharing is much more prevalent below 800 MHz and thus may pose some additional complications. Commentors are therefore urged to consider carefully our proposal to eliminate geographic limitations in the bands below 800 MHz.

8. The restrictions on transmission time for interconnected systems were also not imposed in the bands above 800 MHz.¹⁹ While timers were required to be installed at the base station transmitters below 800 MHz in order to facilitate disconnection, this rule was eliminated above 800 MHz by our *Second Report and Order* as being an unnecessary encumbrance on the utility of the system to the licensee.²⁰ We now propose to eliminate these requirements below 800 MHz. This would include the three second limit on initial access tones and the three minute limitation on interconnected communications. While we are aware that there is a risk of increased channel occupancy due to longer transmission times we believe that this problem is controllable through mutual cooperation and coordination among licensees and that the increase in flexibility for interconnected systems will benefit private licensees and the public as a whole. Our rules give us broad discretion to impose solutions, should cooperation not work. See 47 CFR 90.173.

9. Additionally we propose to eliminate the equipment limitations imposed on transmissions made from the PSTN frequencies below 800 MHz. This would include the requirement that automatic monitoring equipment be installed at the base station to prevent activation of the transmitter when signals of co-channel stations are present. All of these actions we believe

¹⁰ *Id.*, at paragraph 50.

¹¹ *Id.*, at paragraph 39.

¹² *Id.*, at paragraph 43.

¹³ *Memorandum Opinion and Order*, Docket No. 20846, released May 27, 1983, 48 FR 29,512 (June 27, 1983). The *Memorandum Opinion and Order* addressed Petitions for Reconsideration of the *Second Report and Order* by Telocator Network of America and the National Association of Regulatory Commissioners. The *Memorandum Opinion and Order* has been appealed by Telocator Network of America v. FCC & USA, No. 83-1905, and People of the State of California and the Public Utilities Commission of the State of California, et. al. v. FCC & USA, No. 83-1791. See, "The Communications Amendments Act of 1982", Pub. L. 97-259, 96 Stat 1087, September 13, 1982; see Section 120 (Section 331 of the Communications Act of 1934, as amended, is codified at 47 U.S.C. 332).

¹⁴ *Memorandum Opinion and Order*, supra, at paragraph 16.

¹⁵ *Order*, Docket No. 20846, 49 FR 1728 (January 13, 1984).

¹⁶ *Second Report and Order*, supra; *Memorandum Opinion and Order*, supra.

¹⁷ *First Report and Order*, supra, Appendix B, 47 CFR 89.951(c). This section is now contained in 47 CFR 90.477(d)(3). This section has been amended to

47 CFR 90.477(d)(1), *Order*, Docket No. released. This limitation did not apply to medical emergency systems licensed in the Special Emergency Radio Service in 450-470 MHz bands.

¹⁸ *Second Report and Order*, supra at pps. 10 and 15.

¹⁹ *First Report and Order*, supra, Appendix B, 47 CFR 89.954. This section is now contained in 47 CFR 90.483.

²⁰ *Second Report and Order*, supra, Appendix B, 47 CFR 90.483.

would further the objectives of both Congress and the Commission in removing unnecessary impediments to the use of private interconnected systems, and would encourage the use of new state-of-the-art technologies and equipment. It is also consistent with the Commission's mandate to promote rapid and efficient communications and to encourage the larger and more efficient use of radio.²¹

10. When we amended the rules, in our *Second Report and Order*, to provide more flexibility for interconnection in the bands above 800 MHz, we concluded that the effect of the rules restricting common point interconnection was unnecessarily inefficient and denied private radio licensees and users alternatives which may be economically more desirable. We therefore eliminated the restriction confining 800 MHz interconnection to the licensee's premises, and allowed it at common locations.²² On reconsideration of the *Second Report and Order*, we amended our rules to conform to "The Communications Amendments Act of 1982," and allowed private licensees to obtain telephone service from any duly authorized carrier either individually or jointly on a non-profit cooperative basis. We also permitted third parties to act as ordering agents in obtaining telephone service for licensees and users if the service was obtained on a non-profit, non-resale basis.²³ We now propose to eliminate the restrictions on common point interconnection by private licensees below 800 MHz, as long as the telephone service is provided on a non-profit, cost-shared basis.

11. In addition, we are proposing an amendment to 47 CFR 90.476 to clarify that stations operating on 12.5 kHz offset frequencies in the 450-470 MHz band or on the frequencies set forth in § 90.75 with the limitations (c)(4) and (c)(36) attached, are exempt from the interconnect provisions of § 90.477 and § 90.483. We are also proposing to revise our definition of interconnection in 47 CFR 90.7, in order to conform to the language contained in the new legislation.

12. In summary, we propose to make the following amendments to our rules: (1) eliminate the geographic restrictions imposed below 800 MHz; (2) eliminate the time, signal and equipment limitations below 800 MHz; (3) eliminate the restrictions on common point

interconnection below 800 MHz, as long as the telephone service is provided on a non-profit, cost-shared basis; (4) amend and clarify 47 CFR 90.476; and (5) revise the definition of interconnection in 47 CFR 90.7.

Initial Regulatory Flexibility Analysis

13. The Commission believes that its rules governing the interconnection of private land mobile radio systems with the PSTN below 800 MHz should be revised to be consistent with the rules governing interconnection above 800 MHz and the intent of "The Communications Amendments Act of 1982."

14. The Commission seeks to pursue its objective to promote rapid and efficient communications and encourage larger and more effective use of radio by enhancing the ability of small and large businesses to employ interconnection in their private communications systems in furtherance of the public interest.

15. The action proposed is in furtherance of Sections 4(i), 303(g), 332(a) and 403 of "The Communications Act of 1934, as amended".

16. This action may impact both small and large businesses, licensees, and users since it will allow for more liberal use of interconnection between private land mobile radio stations licensed to operate below 800 MHz with the PSTN. Since private radio communications which are interconnected with the PSTN may be longer than typical dispatch communications, the channels may be more congested than they would be in the absence of interconnection. The possibility of increased channel congestion must be balanced against the increased flexibility private licensees will have in meeting their communications needs. Therefore, we may anticipate both favorable and unfavorable impacts due to the relaxation of the restrictions on interconnection of private land mobile radio systems below 800 MHz. On balance, we believe the favorable impacts greatly outweigh those that may be unfavorable. However, we invite comments from interested parties which specifically address this initial regulatory flexibility analysis.

17. There are no federal rules which overlap, duplicate or conflict with these rules.

18. There are no significant alternatives minimizing the impact on small entities and consistent with the stated objective. The *status quo* would constitute a continuing burden.

Procedural Matters

19. For purposes of this non-restricted notice and comment rulemaking

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

20. Authority for issuance of this *Notice of Proposed Rule Making* is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to the procedures set out in § 1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments on or before July 19, 1984, and reply comments on or before August 3, 1984. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

21. In accordance with the provisions of § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials.

²¹ 47 U.S.C. 151 303, 332(a).

²² *Second Report and Order*, *supra*, at paragraph 49.

²³ *Memorandum Opinion and Order*, *supra*, at paragraph 15.

Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters at 1919 M Street NW., Washington, D.C.

22. For further information concerning this rule making contact Nia Chirigos Cresham of the Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 634-2443.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

PART 90—[AMENDED]

Part 90 of Chapter I of Title 47 of the Code of Federal Regulation is Proposed to be amended as follows:

1. Part 90—Private Land Mobile Radio Services § 90.7 is amended by revising the definition of *Interconnection* to read as follows:

§ 90.7 Definitions.

Interconnection. Connection through automatic or manual means, of private land mobile radio stations with the facilities of the public switched telephone network to permit the transmission of messages or signals between points in the wire line or radio network of a public telephone company and person served by private land mobile radio stations. Wire line or radio circuits or links furnished by common carriers used by licensees or other authorized persons for transmitter control (including dial-up transmitter control circuits) or used as an integral part of an authorized, private internal system of communication or as an integral part of dispatch point circuits in a private land mobile radio station are not interconnected for purposes of this Rule Part.

2. Section 90.476 is revised to read as follows:

§ 90.476 Interconnection of fixed stations and certain mobile stations.

(a) Fixed stations and mobile stations used to provide the functions of fixed stations pursuant to the provisions of paragraphs (c)(4) and (c)(36) of § 90.75

and § 90.267 are not subject to the interconnection provisions of § 90.477 and § 90.483 and may be interconnected with the facilities of common carriers, subject to applicable tariffs.

(b) Mobile stations used to provide the functions of base and mobile relay stations pursuant to the provisions of paragraphs (c)(4) and (c)(36) of § 90.75 and § 90.267 are not subject to the provisions of paragraph (d)(3) of § 90.477 and may be interconnected with the facilities of common carriers, subject to applicable tariffs and subject to the provisions of paragraphs (d)(1), (d)(2) and (e) of § 90.477 and § 90.483.

3. In § 90.477, paragraph (b) is amended, paragraph (d) is removed, and paragraph (e) is redesignated paragraph (d).

§ 90.477 Interconnected systems.

(b) Interconnection with the public switched telephone network is authorized under the following conditions:

§ 90.483 [Removed]

4. Section 90.483 is removed in its entirety.

[FR Doc. 84-10434 Filed 6-19-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 669

Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands

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

ACTION: Notice of public hearings and request for comments.

SUMMARY: The Caribbean Fishery Management Council (Council) will hold public hearings and requests public comments on the Draft Environmental Impact Statement/Draft Fishery Management Plan (DEIS/FMP) for the Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands.

DATES: Written comments on the plan must be received by July 23, 1984. Individuals or organizations wishing to comment on the DEIS/FMP may do so at the public hearings. Hearings will be tape recorded and tapes will be filed as an official transcript of the proceedings. A written summary will be prepared. See "SUPPLEMENTARY INFORMATION" for dates, time, and locations of hearings.

Send comments to Mr. Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918.

FOR FURTHER INFORMATION CONTACT:

Mr. Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, 809-753-6910.

SUPPLEMENTARY INFORMATION: The hearings will deal with a proposal to implement an FMP for the Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands which establishes a management regime for the reef-associated finfish ranging from the shoreline to the 40-fathom contour within the Caribbean fishery conservation zone. This area of authority under the Caribbean Fishery Management Council extends throughout the Caribbean Sea and the Atlantic Ocean, adjacent to Puerto Rico and the U.S. Virgin Islands, seaward to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured, except where it has been modified to accommodate international boundaries.

Problems: (1) Declining catch-per-unit of effort (CPUE) and other evidence of overfishing have been documented; and (2) data needed for long-range management is insufficient.

Issue: (1) Conflicts among harvesters of the resource (i.e., trap poaching, etc.); (2) stocks of many, if not most, of the species in the unit range across state and international boundaries; and (3) ciguatera is a public health, utilization, and marketing problem.

The objectives of the plan are: (1) To obtain the necessary data for management and monitoring; (2) to stop the declining trend in the resource; (a) To maintain adult stocks at levels that ensure adequate spawning and recruitment to replenish the populations, and (b) to prevent the harvest of species (i.e., snappers, groupers, and others) which are less than the optimum size; (3) reduce the opportunity for conflicts among harvesters of the resource; (4) promote compatible management, if not uniform, of the Caribbean species in the unit; and (5) help to solve "the ciguatera problem."

Optimum yield is all of the fishes in the management unit that can be harvested by U.S. fishermen under the provisions of the FMP, i.e., gear and size restrictions as well as closed seasons for certain species.

The Council proposes the following management measures for domestic fishermen: (1) Establish 1 1/4 inches (in the smallest dimension) as the minimum mesh size for fish traps; (2) require a self-destruct panel (not smaller than the funnel of the trap) and/or self-destruct door fastening in fish traps; (3) require owner identification and marking of traps, buoys, and boats (minimum marking requirements should be at least that of fishermen's license or boat registration number); (4) prohibit the hauling or tampering of another person's traps without owner's written premission, except by authorized enforcement officers; (5) prohibit the use of poisons, drugs, other chemicals, and explosives for fishing in the management area; (6) return to the sea immediately with a minimum amount of injury and in such a manner as to ensure maximum probability of survival of all yellowtail snapper, taken by any fishing method, that are less than twelve (12) inches in total length; (7) return to the sea with a minimum amount of injury and in such a manner as to ensure

maximum probability of survival during the first year of management all Nassau grouper less than twelve (12) inches total length taken by any fishing method (the minimum size will be increased one inch per year until it is stabilized at 24 inches; (8) landings for Nassau grouper will be prohibited from January 1 to March 31 of each calendar year (fish of this species caught during this period must be returned to the sea immediately with a minimum amount of injury in such a manner as to ensure maximum probability of survival); and (9) gather catch/effort, length/frequency, as well as any necessary biological information, through the improvement of the existing State-Federal agreements formulated by NMFS, Puerto Rico, the U.S. Virgin Islands, and/or the Council's own data gathering program.

The hearings are scheduled as follows:

1. July 2, 1984, 7:00 p.m.—Conference Room of the Legislative Building, St. Croix, USVI
2. July 5, 1984, 7:00 p.m.—Conference Room of the Legislative Building, St. Thomas, USVI
3. July 9, 1984, 7:00 p.m.—Salon de Actos Alcaldia, Municipio de Culebra (Conference Room, Culebra Municipal Building), Puerto Rico
4. July 11, 1984, 2:00 p.m.—Community Center, Punta Santiago, Humacao, Puerto Rico
5. July 12, 1984, 2:00 p.m.—Lion's Club, Bo. Bajuras, Cabo Rojo, Puerto Rico
6. July 16, 1984, 2:00 p.m.—Cerro Mar Restaurant, Bo. Puerto Real, Vieques, Puerto Rico
7. July 18, 1984, 2:00 p.m.—EL Greco Terrace, Bo. Playita, Salinas, Puerto Rico
8. July 19, 1984, 2:00 p.m.—Arecibo's Yacht Club, Arecibo, Puerto Rico

Dated: June 14, 1984, 1984.

Roland Finch.

Director, Office of Fisheries Management,
National Marine Fisheries Service.

[FR Doc. 84-16397 Filed 6-19-84; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 49, No. 120

Wednesday, June 20, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

June 15, 1984.

The Department of Agriculture 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) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (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 provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 108-W Admin. Bldg., Washington, D.C. 20250, (202) 447-4414.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

New

- Agricultural Cooperative Service
Alternative Ways for Small Farmers to Raise Equity Capital to Invest in New and Existing Cooperatives
Non-recurring
Individuals, Businesses: 290 responses;
300 hours; not applicable under 3504(h)
William R. Seymour (202) 447-8396.

Revised

- Economic Research Service
Cotton Ginning Charges and Related Information Annually
Businesses: 1620 responses; 270 hours;
not applicable under 3504(h) Edward
H. Glade, Jr. (202) 447-8776.

Extension (Burden Change)

- Agricultural Marketing Service
Application for Practical Classing Examination and Certificate
Application for License (Cottonseed Chemist or Sampler)
CN-247, 248
Annually
Individuals, Businesses: 200 responses;
34 hours; not applicable under 3504(h)
Freddie S. Mullins (202) 447-2147.
Jane Benoit,
Acting Department Clearance Officer.
[FR Doc. 84-16483 Filed 6-19-84; 8:45 am]
BILLING CODE 3410-01-M

Agricultural Stabilization and Conservation Service

Feed Grain Donations for the Blackfeet Reservation Indian Tribes in Montana

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

The termination date for the Notice published in the Federal Register (49 FR 1920) on January 16, 1984, shall be extended through July 31, 1984, because of continued drought conditions, shortage of livestock grazing and hay production.

Signed at Washington, D.C., June 14, 1984.
Everett Rank,
Administrator, Agricultural Stabilization and Conservation Service.
[FR Doc. 84-16384 Filed 6-19-84; 8:45 am]
BILLING CODE 3410-05-M

Feed Grain Donations for the Fort Peck Reservation Indian Tribes in Montana

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

The termination date for the Notice published in the Federal Register (49 FR 10320) on March 20, 1984, shall be extended through July 31, 1984, because of continued drought conditions, shortage of livestock grazing and hay production.

Signed at Washington, D.C., June 14, 1984.
Everett Rank,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 84-16383 Filed 6-19-84; 8:45 am]

BILLING CODE 3410-05-M

Commodity Credit Corporation

Notice; Proposed Determinations With Regard to the 1985 Extra Long Staple Cotton Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed determinations.

SUMMARY: The Secretary of Agriculture proposes to make the following determinations with respect to the 1985 crop of extra long staple (ELS) cotton: (a) The loan level; (b) the established (target) price; (c) the national program acreage; (d) whether a voluntary reduction percentage should be proclaimed and, if so, the amount of such percentage reduction; (e) whether an acreage reduction program (ARP) should be established and, if so, the percentage of reduction to be made in accordance with such program; (f) whether to permit haying and grazing of Acreage Conservation Reserve acreage; (g) whether binding contracts should be required for producers desiring to participate in any acreage reduction program; (h) whether a land diversion program should be established and, if so, the percentage of diversion and the payment rate; (i) whether offsetting compliance should be required of producers as a condition of eligibility for loans and deficiency payments; and (j) the loan level for seed cotton. These determinations are required to be made

pursuant to the Agricultural Act of 1949, as amended (hereinafter referred to as the "1949 Act"), and the Commodity Credit Corporation (CCC) Charter Act.

DATE: Comments must be received on or before August 6, 1984 in order to be assured of consideration.

ADDRESS: Dr. Howard C. Williams, Director, Analysis Division, USDA-ASCS, Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Carol Skelly, Agricultural Economist, Analysis Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013 or call (202) 447-6696. The Preliminary Regulatory Impact Analysis describing the options considered in developing these proposed determinations is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512-1 and has been designated as "not major" since the proposed determinations are 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 U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that the Commodity Credit Corporation (CCC) publish a notice of proposed rulemaking in accordance with 5 U.S.C. 553 or any other provision of law with respect to the subject matter of these proposed determinations.

The titles and numbers of the federal assistance programs that this notice applies to are: Title—Cotton Production Stabilization, Number 10.052 and Title—Commodity Loans and Purchases, Number 10.051, as found in the Catalog of Federal Domestic Assistance.

It is necessary that the determinations for the 1985 crop of ELS cotton be made in sufficient time to permit ELS cotton producers to make plans for the production of their crop. Therefore, comments with regard to the following proposed determinations must be received by August 6, 1984 in order to allow the Secretary an adequate period

to consider the comments before making the program decisions.

Proposed Determinations

A. Loan Level for ELS Cotton

Section 103(h)(2) of the 1949 Act provides that the Secretary shall determine and announce the loan level for the 1985 crop of ELS cotton by November 1, 1984. The loan level must be established at not less than 50 per centum in excess of the loan level established for the 1985 crop of Strict Low Middling one-and-one-sixteenth-inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States. The final determination of the loan level for upland cotton is contingent upon data accumulated through October 15, 1984; however, the statutory minimum upland cotton loan rate is 55.0 cents per pound. Therefore, the minimum loan level for the 1985 crop of ELS cotton would be 82.5 cents per pound.

Comments on the appropriate level of the ELS cotton loan level, along with supporting data, are requested from interested persons.

B. The Established (Target) Price.

Section 103(h)(3)(B) of the 1949 Act provides that the established price for the 1985 crop of ELS cotton shall be 120 per centum of the 1985-Crop loan level. If the established (target) price was based upon the minimum loan level of 82.5 cents per pound, the established (target) price would be 99.0 cents per pound for the 1985 crop.

Comments are requested on the level of established (target) price for the 1985 crop of ELS cotton.

C. National Program Acreage.

Section 103(h)(4) of the 1949 Act provides that the Secretary shall proclaim a national program acreage (NPA) for the 1985 crop of ELS cotton by November 1, 1984. Such NPA may, however, be revised for the purpose of determining the allocation factor if the Secretary determines it necessary based upon the latest information. Any revision in the NPA shall be announced as soon as it has been made. The 1985 NPA shall be the number of harvested acres the Secretary determines will be necessary, based on the estimated weighted national average of the farm program payment yields for the 1985 crop, to produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the 1985-86 marketing year.

The NPA shall be subject to such adjustment as the Secretary determines

necessary, taking into consideration the estimated carryover supply and the stocks not accounted for by official domestic consumption and export data, so as to provide an adequate but not excessive supply of ELS cotton for the 1985-86 marketing year. In no event shall the national program acreage be less than 60,000 acres. If an acreage reduction program is established for the 1985 crop of ELS cotton, the NPA determination will not be applicable.

A carryover of 50,000 bales is considered to provide an adequate, but not excessive, supply. If required, the likely national program acreage for the 1985 crop of ELS cotton is estimated to be:

(a) Estimated domestic consumption, 1985-86 (480 lb. net wt. bales), 59,000.

(b) Plus estimated exports, 1985-86 (480 lb. net wt. bales), 31,000.

(c) Minus estimated imports, 1985-86 (480 lb. net wt. bales), 3,000.

(d) Minus adjustment to bring stocks to desired level (480 lb. net wt. bales)¹ 42,000.

(e) Plus adjustment for stocks estimated not accounted for by official domestic consumption and export data (480 lb. net wt. bales), 10,000.

(f) Times 480 lbs. per bale, 26,400,000.

(g) Divided by estimated national average of farm program yields (lbs./acre), 675.

(h) Equal 1985 calculated National Program Acreage (acres), 39,111.

(i) Statutory minimum National Program Acreage (acres), 60,000.

In the event an NPA would be applicable for the 1985 crop, the NPA would be the statutory minimum of 60,000 acres.

Comments from interested persons on the NPA and the appropriate stock adjustment for the 1985 crop of ELS cotton, along with appropriate supporting data, are requested.

D. Voluntary Reduction Percentage.

Section 103(h)(6) of the 1949 Act provides that the 1985 individual farm program acreages of ELS cotton eligible for payments shall not be further reduced by application of an allocation factor if the producer reduces the acreage of ELS cotton planted for harvest on the farm from the 1985-crop ELS cotton acreage base established for the farm by at least the percentage recommended by the Secretary in the proclamation of the national program acreage for the 1985 crop. If an acreage reduction program is implemented for the 1985 crop of ELS cotton, the

¹ The 1985 beginning stock level is estimated to be 92,000 bales. Therefore, the stock adjustment is 92,000 bales minus 50,000 bales equal 42,000 bales.

voluntary reduction percentage shall not be applicable to such crop. If required, the recommended national reduction percentage for the 1985-crop of ELS cotton would be:

(a) 1985 estimated ELS cotton acreage base, 68,000.

(b) Minus 1985 NPA, 60,000.

(c) Equals reduction needed from acreage base, 8,000.

(d) Divided by 1985 ELS cotton acreage base, 68,000.

(e) Equals 1985 crop reduction percentage, 12 percent.

Comments from interested persons with respect to the voluntary reduction percentage, if any, are requested.

E. Whether an Acreage Reduction Program (ARP) Should be Established and, if so, the Percentage of Such Reduction. Section 103(h)(8)(A) of the 1949 Act provides that the Secretary may establish a limitation on the acreage planted to ELS cotton if the Secretary determines that the total supply of ELS cotton will, in the absence of such limitation, be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable prices and to meet a national emergency. Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each ELS-cotton-producing farm. Producers who knowingly produce ELS cotton in excess of the permitted ELS cotton acreage shall be ineligible for ELS cotton loans and payments with respect to that farm. The acreage base for any farm for the purpose of determining any reduction required to be made for any year as the result of an acreage limitation shall be the average acreage planted on the farm to ELS cotton for harvest in the three crop years immediately preceding the year prior to the year for which the determination is made. For the purpose of determining the acreage base, the acreage planted to ELS cotton for harvest shall include any acreage which producers were prevented from planting to ELS cotton or other nonconserving crops in lieu of ELS cotton because of drought, flood, or other natural disaster or other condition beyond the control of the producers. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines necessary to establish a fair and equitable base.

A number of acres on the farm determined by dividing (a) the product obtained by multiplying the number of acres required to be withdrawn from the production of ELS cotton times the number of acres actually planted to ELS cotton, by (b) the number of acres

authorized to be planted to ELS cotton in accordance with the acreage limitation established by the Secretary, shall be devoted to approved conservation uses in accordance with regulations issued by the Secretary. If an acreage limitation program is in effect for the 1985 crop of ELS cotton, the national program acreage, program allocation factor, and voluntary reduction provisions of section 103(h) of the 1949 Act will not be applicable to such crop. The individual farm program acreage shall be the acreage planted on the farm to ELS cotton for harvest within the permitted ELS cotton acreage established for the farm under the acreage limitation program.

Section 103(h)(8)(A) establishes for the 1984, 1985, and 1986 crops of ELS cotton an acreage base reserve equal to 5 percent of the total of the farm acreage bases established for the crop. Such reserve shall be in addition to the total of the farm acreage bases and shall be used by the county committees, in accordance with regulations of the Secretary, for making adjustments of farm acreage bases to correct inequities and prevent hardship, and for establishing bases for farms on which no ELS cotton was planted during the preceding four years.

The need for an acreage limitation program for the 1985 crop of ELS cotton will depend the projected level of ending stocks for the 1984-85 marketing year and the likely demand for ELS cotton in 1985-86. Estimates as of mid-May 1984 indicate that production may about equal utilization in 1984-85, resulting in ending stocks of an estimated 92,000 bales, well above the desirable level of 50,000 bales. No significant increases in demand are projected for the 1985-86 season; therefore, some reduction in production is likely to be needed to reduce stocks. Options under consideration at this time include no ARP, a 10-percent ARP, a 20-percent ARP, and a 25-percent ARP. However, future developments in weather conditions, market trends, and projections of supply and use could affect the suitability of various production adjustment programs. Options considered at the final determination stage may vary depending upon conditions in existence and information available at that time.

Interested persons are encouraged to comment on the need for an acreage limitation program for the 1985 crop of ELS cotton, and the appropriate percentage of any such reduction.

F. Whether to Allow Haying and Grazing of Acreage Conservation Reserve (ACR) Acreage. Section 103(h)(8)(A) of the 1949 Act provides

that the regulations issued by the Secretary with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion. The Secretary may authorize haying and grazing of land devoted to acreage conservation reserve (ACR).

Interested persons are invited to comment on the provisions concerning the grazing and haying of ACR acreage.

G. Whether Contracts Signed by the Producer Should Be Binding at the End of the Enrollment Period for the 1985 ELS Cotton Program. For the 1984 ELS Cotton Program, contracts signed by program participants are considered to be binding contracts. The contracts also provide for liquidated damages in the event the producer does not fulfill the terms and conditions of the contract. This type of contract is also under consideration for the 1985 ELS Cotton Program.

Interested persons are requested to comment on the use of binding contracts for the 1985 ELS Cotton Program.

H. Whether a Land Diversion Program Should Be Established and, if so, the Extent of Such Diversion and the Level of Payments. Section 104(h)(8)(B) of the 1949 Act provides that the Secretary may make land diversion payments to producers of ELS cotton, whether or not an acreage limitation for ELS cotton is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage to desirable goals. Such land diversion payments shall be made to producers who devote to conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers or in such manner as the Secretary determines appropriate. In the past, land diversion payments have been made based upon an offer rate system (i.e., specific rate per pound times the farm program payment yield).

Interested persons are encouraged to address the need for a land diversion program and the appropriate terms and conditions of such a program.

I. Whether to Require Offsetting Compliance if An Acreage Reduction Program is Established. Section 103(h)(13) of the 1949 Act provides that the Secretary may issue such regulations as the Secretary determines to be necessary to carry out the ELS cotton

program. In some prior crop years, the Secretary has promulgated regulations providing for offsetting compliance requirements. If offsetting compliance is required, operators and owners of farms would have to ensure that all of the farms in which they had an interest were either in compliance with the program requirements or that the acreages of ELS cotton planted for harvest on each of such farms did not exceed the ELS cotton acreage bases which were established for such farms. Offsetting compliance was not in effect for the 1984 crop.

Interested persons are encouraged to comment on the need for offsetting compliance for the 1985-crop of ELS cotton is an acreage reduction program if established.

J. Loan Level for ELS Seed Cotton. Section 103(h)(17) of the 1949 Act provides that in order to assist producers in the orderly ginning and marketing of their ELS cotton production, the Secretary shall make recourse loans available to such producers on seed cotton in accordance with authority vested in the Secretary under the Commodity Credit Corporation Charter Act. Consideration is being given to the level at which loans should be made available for seed cotton under the 1985 program. The loan level presently being considered for seed cotton is 100 percent of the loan level which is applicable for that location for lint cotton adjusted to a lint basis.

Comments from interested persons are requested on the appropriate loan level for seed cotton and the method of adjustment to a lint basis for the purpose of determining loan value.

Consideration will be given to any data, views and recommendations that may be received relating to the above items.

(Sec. 103(h), Pub. L. 98-88, approved August 28, 1983)

Signed at Washington, D.C. on June 15, 1984.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84-16382 Filed 6-19-84; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Routt National Forest Grazing Advisory Board; Meeting

The Routt National Forest Grazing Advisory Board will meet July 24, 1984 at the Routt National Forest Supervisor's Office, 29587 West Highway 40, Steamboat Springs, Colorado. The Board

will leave at 9:00 a.m. to review cattle allotments on the Yampa Ranger District, south of Steamboat Springs.

Other business will include: (1) A short business meeting, (2) recommendations on the use of range betterment funds, (3) recommendations concerning the development of allotment management plans.

The meeting will be open to the public. Persons who wish to attend and participate should notify Jim Webb, Routt National Forest (303-879-1722) prior to the meeting. Public members may participate in discussions during the meeting at any time or may file a written statement following the meeting.

Jack Weissling,

Forest Supervisor.

[FR Doc. 84-16407 Filed 6-19-84; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Environmental Statements; Availability; North Side Big Nestucca Agricultural Related Pollution Control RC&D Project Plan, Oregon

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); and Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the North Side Big Nestucca Agricultural Related Pollution Control RC&D Project Plan, Tillamook County, Oregon.

FOR FURTHER INFORMATION CONTACT: Jack P. Kanalz, State Conservationist, Soil Conservation Service, 1220 SW Third Ave., 16th Floor, Portland, Oregon 97204, telephone 503-221-2751.

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

The project concerns a plan to reduce agricultural-related pollution in the Drainage District ditch and the Nestucca Bay estuary. The planned works of improvement include the installation of

animal waste systems on seven dairy operations. The systems involve collection, storage, distribution, and utilization of animal waste in accordance with local, state, and Federal regulations.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Jack P. Kanalz.

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

Dated: May 30, 1984.

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

Dean F. Fisher,

Deputy State Conservationist.

[FR Doc. 84-16387 Filed 6-19-84; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 84-6-34]

Application of Armstrong Air Service, Inc., for Certificate Authority; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (Order 84-6-34).

SUMMARY: The Board is proposing to find Armstrong Air Service, Inc., fit, willing, and able and to issue it a certificate of public convenience and necessity authorizing it to provide schedule interstate and overseas air transportation of persons, property, and mail between all points in the United States and its territories and possessions, and scheduled all-cargo authority between Dillingham and New Stuyahok, Alaska. The complete text of this order is available as noted below.

Responses: All interested persons having objections to the Board issuing the proposed certificate shall file their objections in Docket 41732. Objections should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served upon the parties listed in

Attachment A to the order. Objections shall be filed no later than July 6, 1984.

FOR FURTHER INFORMATION CONTACT: Phyllis Solomon, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-6-34 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-6-34 to that address.

By the Civil Aeronautics Board: June 14, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-16485 Filed 6-19-84; 8:45 am]

BILLING CODE 6320-01-M

[Order 84-6-30]

Application of 40-Mile Air, Ltd., for Certificate Authority; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (Order 84-6-30).

SUMMARY: The Board is proposing to find 40-mile Air, Ltd. (1) fit, willing, and able and issue it a certificate of public convenience and necessity authorizing it to provide scheduled interstate and overseas air transportation of persons, property and mail; and (2) reliable to provide essential air service at Chicken and Eagle, Alaska.

Responses: All interested persons having objections to the Board's issuance of the proposed certificate shall file, their objections in Docket 41972. Objections should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served on all persons listed in Attachment A to the order no later than July 16, 1984.

FOR FURTHER INFORMATION CONTACT: Phyllis Solomon, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-6-30 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send

a postcard request for Order 84-6-30 to that address.

By the Civil Aeronautics Board: June 14, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-16484 Filed 6-19-84; 8:45 am]

BILLING CODE 6320-01-M

[Order 84-6-29]

Proposed Revocation of Air Carrier Certificates; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause, Order 84-6-29.

SUMMARY: The Board is proposing to revoke the air carrier certificates of Amerford Airways, Inc.; Cochise Airlines, Inc.; Gem Investors, Inc. d/b/a Golden Gate Airlines; Modern Airways, Inc.; Petroleum Air Transport, Inc. d/b/a Pat Air; and Pinehurst Airlines, Inc. for noncompliance with the insurance, reporting, and continuing fitness requirements for certificated air carriers.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings, shall file their objections with the Board and serve them upon the carrier or carriers involved, no later than July 16, 1984.

ADDRESSES: Objections should be filed in Docket 42284, and sent to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Nicholas S. Collins, Regulatory Analysis Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5116.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-6-29 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 84-6-29 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 14, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-16486 Filed 6-19-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[C-469-054]

Ampicillin Trihydrate and Its Salts From Spain; Final Result of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of Administrative Review of Countervailing Duty Order.

SUMMARY: On March 30, 1984, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on ampicillin trihydrate and its salts from Spain. The review covers the period January 1, 1982 through December 31, 1982.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results.

EFFECTIVE DATE: June 20, 1984.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 30, 1984, the Department of Commerce ("the Department") published in the Federal Register (49 FR 12731) the preliminary results of its administrative review of the countervailing duty order on ampicillin trihydrate and its salts from Spain (44 FR 17484, March 22, 1979). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of Spanish ampicillin trihydrate and its salts ("ampicillin"), an antibiotic which is a semi-synthetic penicillin. Such merchandise is currently classifiable under item 411.6000 of the Tariff Schedules of the United States Annotated. The review covers the period January 1, 1982 through December 31, 1982 and four programs: (1) A rebate of indirect taxes upon exportation under the Desgravacion Fiscal a la Exportacion ("the DFE"); (2) an operating capital loans program; (3) a

short-term export credit program; and (4) research and development incentives.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results. We determine the potential aggregate net subsidy to be 1.67 percent *ad valorem* for the period January 1, 1982 through December 31, 1982. There were no known unliquidated entries of this merchandise during the period of review.

The Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided for in section 751(a)(1) of the Tariff Act, of 1.67 percent of the entered value of any shipment of Spanish ampicillin entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

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: June 14, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-16401 Filed 6-19-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-055]

Acrylic Sheet From Japan; Clarification of a Scope of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Clarification of Scope of Antidumping Finding.

SUMMARY: As a result of a remand from the Court of International Trade the Department of Commerce excludes Kyowaglas-XA, a lead-impregnated acrylic sheet, from the scope of the antidumping finding on acrylic sheet from Japan.

EFFECTIVE DATE: June 10, 1984.

FOR FURTHER INFORMATION CONTACT:

Shelia Forbes or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-2923/5255.

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1976, the Treasury Department published in the *Federal Register* (41 FR 36497) an antidumping finding on acrylic sheet from Japan. On July 29, 1983, the Department of Commerce published in the *Federal Register* (48 FR 34490) a determination that Kyowaglas-XA, a lead-impregnated acrylic sheet, was within the scope of the finding. Kyowa Gas Chemical Industry Co., Ltd., the manufacturer of this merchandise, challenged our decision in the Court of International Trade. On May 18, 1984, in compliance with the Court's remand order, we redetermined that Kyowaglas-XA is not within the scope of the finding. On May 31, 1984, the Court approved our May 18, 1984 redetermination. We will instruct the Customs Service to proceed with the liquidation of entries of Kyowaglas-XA without regard to antidumping proceedings.

This notice is in accordance with the remand order of the United States Court of International Trade, *Kyowa Gas Chemical Industry Company, Ltd. v. United States*, Slip Op. 83-8-01226, May 31, 1984.

Dated: June 15, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-16404 Filed 6-19-84; 8:45 am]

BILLING CODE 3510-DS-M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes; Lahey Clinic Foundation, et al.

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-69R. Applicant: Lahey Clinic Foundation, Burlington, MA 01805. Instrument: Electron Microscope, Model EM-410LS. Manufacturer: N. V. Philips, The Netherlands. Intended use: See notice at 49 FR 21094. Instrument ordered: October 24, 1983.

Docket No. 84-157. Applicant:

University of California, Los Angeles, Los Angeles, CA 90024. Instrument: Electron Microscope, Model EM 10CAS with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 49 FR 19562. Instrument ordered: March 2, 1984.

Docket No. 84-159. Applicant: New York Institute of Basic Research, Staten Island, NY 10314. Instrument: Electron Microscope, Model EM 420T with STEM System and Accessories. Manufacturer: Philips Gloeilampenfabrieken, The Netherlands. Intended use: See notice at 49 FR 19562. Instrument ordered: February 7, 1984.

Docket No. 84-160. Applicant: NASA, Hampton, VA 23665. Instrument: Electron Microscope, Model EM 420T with STEM System and Accessories. Manufacturer: N. V. Philips, The Netherlands. Intended use: See notice at 49 FR 19562. Instrument ordered: December 16, 1984.

Docket No. 84-161. Applicant: North Carolina State University, Raleigh, NC 27606. Instrument: Electron Microscope, Model EM 410LS with Eucentric Goniometer Stage and Accessories. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use: See notice at 49 FR 19563. Instrument ordered: February 3, 1984.

Docket No. 84-165. Applicant: Research Foundation of SUNY at Stony Brook, Stony Brook, NY 11794. Instrument: Electron Microscope, Model JEM-1200EX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use: See notice at 49 FR 19563. Instrument ordered: March 22, 1984.

Docket No. 84-166. Applicant: University of Rhode Island, Kingston, RI 02881. Instrument: Electron Microscope, Model JEM-1200EX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use: See notice at 49 FR 19564. Instrument ordered: March 1, 1984.

Docket No. 84-169. Applicant: State University of New York/Upstate Medical Center, Syracuse, NY 13210. Instrument: Two (2) Electron Microscopes, Model JEM-100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use: See notice at 49 FR 19564. Instrument ordered: March 18, 1984.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron

microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or of any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-16491 Filed 6-19-84; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty—Free Entry of Scientific Instrument; University of Miami

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-39. Applicant: University of Miami, Miami, FL 33149. Instrument: Combined Resonant Column & Torsional Triaxial Apparatus. Manufacturer: Sieken, Inc., Japan. Intended use: See notice at 49 FR 3236.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument can simultaneously determine the dynamic shear modulus (G) and the Coulomb specific loss (δ) OVER A WIDE RANGE OF STRAIN AMPLITUDE (1.0×10^{-7} to 5.0×10^{-1}) using the same (triaxial) specimen. The National Bureau of Standards advises in its memorandum dated June 7, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument of apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-16490 Filed 6-19-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-013]

Certain Steel Valves and Certain Parts Thereof From Japan; Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that certain steel valves and parts thereof from Japan are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination, and the ITC will determine, within 45 days of publication of this notice, whether a U.S. industry is materially injured, or threatened with material injury, by imports of this merchandise. For two of the three firms investigated, we have directed the U.S. Customs Service to continue to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or bond for each such entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice. We have determined that one producer should be excluded from this determination. Those firms that are subject to suspension of liquidation and the firm excluded from this action are indicated in the "Suspension of Liquidation" section.

EFFECTIVE DATE: June 20, 1984.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-4087.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that certain steel valves and certain parts thereof (valves) from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735 of the

Tariff Act of 1930, as amended (19 U.S.C. 1673d) (the Act). We have found *de minimis* margins for sales of valves produced by one firm investigated. The firms concerned are identified in the "Suspension of Liquidation" section of this notice.

We have found that the foreign market value of valves exceeded the United States price on 14.8 percent of the sales we compared. These margins ranged from 0.15 percent to 72.8 percent. The overall weighted-average margin on all valve sales compared is 2.5 percent. The weighted-average margins for individual companies investigated are presented in the "Suspension of Liquidation" section.

Case History

On September 22, 1983, we received a petition filed by counsel for Condec Flow Control Group of the Lunkenheimer Company; Cooper Valve Company; Crane Company; Mark Controls Corporation; the Wm. Powell Company; Rockwell International Corporation, Flow Control Division; Smith Valve Corporation; Stockham Valves & Fittings, Inc.; Velan Valve Corporation; Henry Vogt Machine Company; and Walworth Company as individual petitioners and collectively as the Valve Manufacturers Association Fair Trade Council. In compliance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the petitioners alleged that imports of the subject merchandise from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports materially injure, or threaten material injury to, a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on October 11, 1983 (48 FR 48267). The ITC found, on November 7, 1983, that there is a reasonable indication that imports of valves materially injure, or threaten material injury to, a United States industry.

The petitioners alleged that at least 13 Japanese companies produce the subject valves for export to the United States. However, we identified 3 producers and exporters which account for approximately 85 percent of the subject valves sold for export to the United States. We presented questionnaires in Japan to these producers and exporters on October 28, 1983.

On November 10 and 21, 1983, we received letters from counsel for the

Japanese valve producers and exporters requesting additional time in which to respond because of the complicated nature of the products involved. Extensions were granted and we received responses on December 16 and 19, 1983. We received responses from the following companies: Hitachi Metals, Ltd. (Hitachi), Kitz Corporation (Kitz) and Takamisawa Koki Mfg., Ltd. (TKM). On February 9, 1984, at the request of the petitioners, we postponed the preliminary determination for 30 days (49 FR 7843).

On March 30, 1984, we preliminarily determined that valves from Japan were being sold in the United States at less than fair value (49 F.R. 13563). At the request of the petitioners, we held a hearing on May 15, 1984, to allow the parties an opportunity to address the issues arising in this investigation.

Scope of Investigation

The merchandise covered by this investigation consists of "wedge gate," "swing check," and "globe" valves, and certain parts of the foregoing, of steel, currently provided for under item number 680.17 of the Tariff Schedules of the United States. "Certain parts" include machined valve bodies and partially completed valves consisting of machined valve bodies imported with one or more of the following parts: bonnet, stem wedge, handle or seat rings. Pursuant to a letter from counsel for the petitioners, dated October 25, 1983, the product description as stated in the Notice of Initiation was amended to exclude bellows seal valves and non-machined valve bodies.

Because Hitachi, Kitz and TKM produced and sold approximately 85 percent of the valves exported from Japan to the United States during the period of investigation (April 1 to September 30, 1983), we limited our investigation to them.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United State Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price for the majority of sales by the Japanese products, because the merchandise was sold to unrelated purchasers prior to its importation into the United States.

We calculated the purchase price based on the packed price to unrelated purchasers in the United States under

the following terms: (1) f.o.b. foreign port, (2) f.o.b. delivered to various customer designated locations, or (3) ex-dock. We made deductions, where appropriate, for foreign inland freight, foreign inland insurance, discounts for prompt payment, foreign brokerage and handling charges, ocean freight, marine insurance, U.S. brokerage and handling charges, U.S. customs duties, and U.S. inland freight. We used exporter's sales price to represent the United States price of a portion of the merchandise sold by Hitachi because the merchandise was sold to unrelated purchasers after importation into the United States. For these sales, we made additional deductions, where appropriate, for credit costs and other selling expenses incurred in the United States.

Foreign Market Value

In accordance with section 773(a) of the Act, with the exception of some sales by TKM and Kitz, we calculated foreign market value based on home market sales. For purposes of determining similar merchandise under section 771(16) of the Act, we made comparisons between valves of the same type (e.g., wedge gate, globe or swing check), body materials (e.g., carbon, alloy, or stainless steel), pressure classification, size and based on whether they were forged or cast. In the cases of TKM and Kitz, there were no sales in the home market to use as a basis for foreign market value for some categories of valves. Accordingly, as required in section 773(a)(1)(B) of the Act, we selected sales for export to a country other than the United States (a "third country") as the basis for foreign market value or, if there were no third country sales for those categories, we determined foreign market value on the basis of constructed value in accordance with section 773(a)(2) of the Act.

Where we used home market prices as the basis for foreign market value, we calculated the home market prices for each type of valve on the basis of delivered packed prices to unrelated purchasers. For these prices, we deducted, where appropriate, rebates, foreign inland freight and foreign inland insurance. We made adjustments, where appropriate, for differences in circumstances of sale, including credit expenses, advertising expenses, inspection and documentation expenses, and warranty and servicing expenses in accordance with § 353.15 of our regulations. When there were commissions on sales in the home market and none on sales to the United States, we made adjustments for the differences between commissions in the

home market and indirect selling expenses on sales to the United States, used as an offset to the home market commissions, in accordance with § 353.15(c) of our regulations. We also made adjustments for the cost of materials, labor and direct factory overhead associated with differences in the physical characteristics of the merchandise in accordance with § 353.16 of our regulations. We also deducted home market packing costs, where appropriate, and added packing costs incurred on sales to the United States.

We disallowed several claims for adjustments in calculating foreign market value. We denied Kitz's requested adjustments for technical consulting service expenses because we determined at verification that these expenses are not directly attributable to sales of the subject merchandise.

We also denied Kitz's request for a deduction of indirect selling expenses in the home market to offset U.S. commissions because Kitz provided no information relating to the amount of its U.S. commissions against which such an offset could be made. In addition, Kitz also claims an adjustment for commissions on sales in the home market. If the amount of the U.S. commission were known, an adjustment for differences in the commissions in the two markets could be made in accordance with §§ 353.15 (a) and (b) rather than allowing an offset under § 353.15(c).

We used sales to third countries as the basis for foreign market value for a portion of TKM's sales. We calculated the third country prices on the basis of the ex-works or f.o.b. Japanese port, unpacked price to unrelated purchasers in four separate countries. We did this because there were no sales to a single country that provided an adequate sample for determining the foreign market value for all categories of valves not sold in the home market. We made deductions, where appropriate, for Japanese brokerage and handling charges and inland freight. We made adjustments, where appropriate, for credit expenses in accordance with § 353.15 of our regulations. Since there were no commissions on sales to the United States, we made adjustments, where appropriate, for the difference between commissions in the third country sales and indirect selling expenses on sales in the United States, as an offset to the third country commissions, in accordance with § 353.15(c) of our regulations. We also made adjustments for the cost of materials, labor and direct factory

overhead associated with differences in the physical characteristics of the merchandise in accordance with § 353.16 of our regulations. We added the packing cost incurred on sales to the United States.

For the remainder of TKM's sales and for a portion of Kitz's sales, we used constructed value as the basis for foreign market value in accordance with section 773(e) of the Act. We calculated the cost of materials, fabrication, general expenses, profit, and the cost of packing. The amounts added for general expenses were the same as those expressed in the companies' financial statements. These amounts were higher than the statutory minimum of 10 percent of the sum of material and fabrication costs. The amount added for profit was the statutory minimum of 8 percent of the sum of materials, fabrication costs, and general expenses.

Where we used exporter's sales price, we deducted home market indirect selling expenses to offset U.S. selling expenses.

Verification

In accordance with section 776(a) of the Act, we verified all data used in reaching this determination by using standard verification procedures, including on-site inspection of the manufacturers' operations and examination of accounting records and selected documents containing relevant information.

Petitioners' Comments

Comment 1

The petitioners state that two of three respondents have understated their prices in the home market. They cite a consultant's report that was submitted with the petition as proof of this fact. Additionally, they state that the respondents' reported prices of stainless steel valves were "unnaturally" low compared with the prices of carbon steel valves in light of the higher material costs of stainless steel valves. They urge us to disregard the responses.

DOC Position

At verification, the verifiers interviewed the consultant who provided the market research data that served as the basis for the petition. They found that the consultant interviewed 10 Japanese home market customers but obtained price data from only three of them. The consultant obtained no documentation from any of these customers. He based list prices on a publicly available standard price list from Kitz and on a catalogue showing prices for cast iron valves. Such valves

are not subject to the investigation. The verifiers established from various company records, including Kitz's internal price list, that the prices shown in the responses of all three respondents represent their actual transaction prices.

The petitioners submitted a second consultant's report which showed much lower Japanese home market prices than did the first report. Petitioners state that, "It is quite possible that the actual home market prices of Kitz Corporation and of Hitachi Metals, Ltd., fell somewhere between the first and second reports' prices." Such "evidence" cannot be taken as proof that the respondents' data are erroneous in light of the significant evidence to the contrary which the verifiers obtained from the companies' records.

Further, the ratio of the cost of materials for stainless steel valves to that of carbon steel valves is not dispositive of the ratio of the prices for these valves, nor, if the ratios do not match, is this proof that the prices are erroneous. Many factors influence the pricing of valves. We found during verification that actual physical differences existed between valves with the same nominal descriptions. The valves in the Kitz response, however, did have a category code which alluded to such differences. The petitioners, in making comparisons of stainless steel valves to carbon steel valves, generally disregarded such differences. Further, the stainless steel valves used in the petitioners' comparison submitted in their April 4, 1984, letter to the Department were not "such or similar" to valves sold to the U.S. market and thus were not a proper basis for comparison.

Comment 2

If the response prices of Kitz and Hitachi are accurate, then sales in the home market are below cost. The Department should have self-initiated a cost of production investigation no later than the verification in April or should conduct a cost inquiry on an expedited basis before the final determination.

DOC Position

The petitioners made their sales below the cost of production allegation with 33 days remaining in the investigation. We have dismissed the allegation on the basis of timeliness. We estimate that the Department would require approximately 105 days to conduct a cost of production investigation. The petitioners have had the company responses since February 7, 1984, enough time to analyze the price data and make any cost allegations in a timely manner.

As to whether the Department should have initiated a cost inquiry on its own, we do not agree with the petitioners' assertion. We developed some cost of production data for Kitz and Hitachi because, for some valves, neither company had sales of "such or similar" merchandise either in the home market or to third countries and we were forced to use constructed value to determine foreign market value. There were, of course, no home market or third country sales to which these costs could be compared, and therefore, there was no evidence of sales below cost of production. Other cost data which we obtained pertained only to the incremental costs for physical differences in merchandise. As stated in the response to Comment 1, after verification of the respondents' actual transaction prices, the Department had no reason to believe that the prices were either erroneous or unnaturally low; thus the Department had no bases upon which to self-initiate a cost of production investigation.

Comment 3

The respondents have underreported their sales to the U.S. Imports during the second and third quarters were \$9.6 million while the respondents initially reported only \$1.7 million or 40 percent of their sales. Even when the respondents allegedly reported 100 percent of their sales, there is a gap of \$5.4 million between the respondents' reported values and the value of valves for the period as reported in official government statistics. There is a corresponding gap in the volume of sales. The Department should reconcile these differences or disregard the responses.

DOC Position

The exporters reported 100 percent of their sales in their initial response, valued at approximately \$4 million. (They reported 100 percent of the sales initially agreed to be supplied to the Department. Hitachi has requested that it be required to report only 85 percent of its exporter's sales price data. The Department agreed, but later requested the remainder of Hitachi's sales which were provided). However, only 40 percent of sales were shipped as of the date of the response. Therefore, certain shipping and credit expenses were not known at the time of the response. The petitioners acknowledged this fact in their February 24, 1984, letter and requested that the Department not include data on unshipped sales in its preliminary determination.

The petitioners' official statistics are for importations of valves into the United States, whereas the respondents' values are for sales during the period. The Department need not reconcile import data with sales data in order to make a determination concerning sales at less than fair value. The Department's task is to verify total sales for the period of investigation, not to reconcile sales with imports. We have verified the total value and volume of sales by all the respondents during the period of investigation.

Comment 4

The respondents have provided inadequate public summaries of their information and have been untimely in submitting their recent, revised submissions. In addition, the supporting documents obtained at verification will not be available to the petitioners.

DOC Position

The Department's practice has been to accept brief non-confidential summaries when respondents agree to release the confidential information under administrative protective order (APO). The respondents have satisfied this requirement.

The Department required the respondents to prepare supplemental sales information in time to allow verification of the data. They fulfilled this requirement, and, as the result of verification, the Department required the respondents to modify certain data. The revised responses were presented to the Department within a reasonable period after verification. Two weeks after the conclusion of the verification the petitioners were briefed by Department officials on the significant findings of the verification. At the briefing, the petitioners were told that even with the changes that resulted from the significant findings, the sales data base remained essentially as reported initially by the respondents. Thus the petitioners have had access to virtually all of the respondents' U.S. sales data since February 7, 1984. The revised responses were released under APO as soon as they were processed.

The Department does not release confidential verification documents under APO. Non-confidential documents obtained during verification have been inserted into the public record of this investigation.

Comment 5

Kitz provided inadequate data concerning "customized" valves in its initial submission and failed to adequately describe its valves in its new product coding system. Kitz has not

made it clear how it wants the Department to treat these valves. The Department should therefore reject Kitz's submission and rely on data contained in the petition.

DOC Position

A review of the initial Kitz response showed certain deficiencies in the product designations used by Kitz, although those designations were generally the actual product codes used by the company. In response to a January 22, 1984, request by the Department, Kitz developed a new coding system and submitted a supplemental response containing the new codes on February 6, 1984. The new codes are described in a non-confidential letter submitted with the supplemental response. The new codes are much more descriptive than the original codes and allow identification of the Kitz valves in accordance with the "such or similar" merchandise criteria described in the "Foreign Market Value" section of this notice. The codes also identify certain other characteristics of the valves which denote differences between valves within the "such or similar" categories. However, the codes developed by Kitz, as well as the codes developed for the same purpose by the other respondents, do not fully describe each valve according to the hundreds of variations in features possible for each valve. It should be added that the actual product descriptions or "product figures" used by the companies are not always fully descriptive of the products either. While all company codes allowed differentiation among "such or similar" valves, the reporting of other characteristics differed from company to company. In addition, because, as a practical matter, all characteristics could not be reported, there were some instances for each company in which there were significant price variations among valves with the same nominal description.

Kitz assigned the letters A-D to its valves in order to distinguish, among the other things, whether a valve was "standard" or "custom". Custom valves have special specifications not identified in the basic code number. Kitz stated that "standard" valves were sold in the U.S. and that these valves should be compared to standard valves sold in the home market. Thus, Kitz reported sales of some valves with the same nominal description which differed as to whether they were "standard" product or "custom". Where non-identical "such or similar" valves were compared (i.e. valves with differing characteristics denoted by the codes), Kitz provided

cost differentials based upon the incremental cost of the physical differences in the merchandise. Where no "such or similar" comparisons could be made, Kitz reported costs of production for use in the determination of foreign market values. The Department sought to resolve questions concerning valve comparisons and apparent price discrepancies for values with the same nominal descriptions during verification.

The Department notified Kitz of its intent to review the differences in standard and custom valves in its verification outline, dated April 4, 1984. A draft of this outline was reviewed by the petitioners. A significant portion of the verification (and the report thereof) was devoted to an analysis of these differences. As noted in the report, certain sales were pre-selected (i.e., denoted in the verification outline prior to verification) for viewing based upon this consideration. At the verification other sales were selected at random to analyze the internal specification sheets with regard to standard/customs features. The standard valves selected (both in the home market and those sold to the U.S.) either had no additional specifications or the specifications indicated features which are considered standard by the company. All "custom" valves contained features which substantially increased the incremental material and/or labor costs. Kitz used the same criteria for determination of standard valves in the U.S. as were used to determine standard valves sold in the home market. The approach utilized by Kitz, and verified by the Department, appears to be reasonable, given the large volume of sales in the home market of standard and non-standard valves. We have therefore used Kitz's response data in making the final determination.

Respondents' Comments

In addition to comments addressed in the analysis section, respondents submitted the following comments:

Comment 1

Counsel for Hitachi maintains that the Department should disregard an imputed inventory carrying cost on exporter's sales price transactions since actual costs are known. They maintain that the cost deducted in the preliminary determination was based on corporate borrowings which were not designated for inventory financing and therefore have no connection to such financing. Further, they claim that because actual warehousing and credit costs were also deducted, the Department is acting against an established practice of not

deducting imputed costs where actual costs are known. In addition, they state that the deduction of both actual and imputed costs involves double (and triple) counting. They argue alternately that if we use the imputed cost, we should not deduct the actual expenses.

DOC Position

We agree with Hitachi and the petitioners that the use of corporate interests expenses is not a good measure of inventory carrying costs. We further agree with the petitioners that the credit costs in this situation consists of two parts, the actual credit costs incurred by Hitachi during approximately one third of the inventory period, and the implicit credit costs of holding the inventory for the remainder of the inventory period. Such imputed credit costs for the latter period do not replace the actual credit expenses incurred by Hitachi, but are in addition to those expenses. Together they represent the expense of holding the inventory for the entire period, for only a part of which actual expenses are known.

We also agree with the petitioner that warehousing costs incurred by Hitachi are independent of credit costs and that to deduct both does not result in double counting.

For this determination, we reduced the deduction for indirect selling expenses by the amount of the imputed carrying cost used in the preliminary determination. We calculated the credit cost for the entire inventory period at the same rate of interest used in the period in which actual credit costs were incurred.

Comment 2

Counsel for Hitachi stated that Hitachi should be excluded from the proceeding on the basis of its preliminary margin of 0.99 percent because this margin is virtually *de minimis* and not a function of international dumping or neglect, but rather arose from technicalities in the law and significantly different economic circumstances present in the sales periods compared.

DOC Position

We see no reason to disregard our *de minimis* rule, under which we consider a weighted average margin of 0.50 percent or more to be significant.

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential

information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will make its determination whether these imports are materially injuring, or threatening to materially injure, a U.S. industry within 45 days of the publication of this notice. If the ITC determines that material injury or the threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue an antidumping order, directing Customs officers to assess an antidumping duty on valves from Japan entered, or withdrawn, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the U.S. prices.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we directed the United States Customs Service to suspend liquidation of all entries of the subject valves from Japan with the exception of valves produced by Takamisawa Koki Mfg., Ltd. which are entered, or withdrawn from warehouse, for consumption, on or after April 5, 1984. The Customs Service shall continue to require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price for entries of merchandise from Kitz Corporation and Hitachi Metals, Ltd. Where sales by trading companies cannot be identified by manufacturer, the Customs Service shall require a cash deposit or the posting of a bond equal to the highest estimated weighted-average margin of 13.09 percent. This suspension of liquidation will remain in effect until further notice. The weighted-average margins as of the publication of this notice in the *Federal Register* are as follows:

Manufacturer	Weighted-average margin percentage
Kitz Corporation.....	13.09
Hitachi Metals, Ltd.....	1.07
Takamisawa Koki Mfg., Ltd.....	0.16
All other companies.....	2.50

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Dated: June 13, 1984.

William T. Archey,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 84-16473 Filed 6-19-84; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Center for Marine Studies; Marine Mammal Permits: Receipt of Modification

Notice is hereby given that the Center for Marine Studies, University of California at Santa Cruz has requested a modification to Permit No. 463 issued to the Center under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) on April 13, 1984 (49 FR 17559).

The Center for Marine Studies requests additional authority to import the tissue samples authorized to be taken from Canada where the research will be conducted in 1984.

Concurrent with the publication of this notice in the *Federal Register* the Secretary of Commerce is forwarding copies of this request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this request are summaries of those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Documentation pertaining to the above modification request is available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service,
3300 Whithaven Street NW.,
Washington, D.C., and
Regional Director, National Marine
Fisheries Service, Southwest Region,

300 South Ferry Street, Terminal Island, California 90731.

Dated: June 14, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-16463 Filed 6-19-84; 8:45 am]

BILLING CODE 3510-22-M

Incidental Taking of Marine Mammals; Issuance of a Letter of Exemption to National Fish Meal and Oil Association

Notice is hereby given that pursuant to Section 101(a)(4) of the Marine Mammal Protection Act (16 U.S.C. 1361-1407), a Letter of Exemption was issued on June 14, 1984, to the National Fish Meal and Oil Association, to incidentally take up to 10 Atlantic bottlenose dolphins (*Tursiops truncatus*), 5 harbor porpoise (*Phocoena phocoena*), 7 pygmy sperm whales (*Kogia breviceps*), 7 dwarf sperm whales (*K. simus*), and 4 minke whales (*Balaenoptera acutorostrata*) annually during menhaden purse seine operations in the North Atlantic Ocean and Gulf of Mexico. This Letter of Exemption is valid until December 31, 1988, subject to annual review by the Assistant Administrator for Fisheries.

The Letter of Exemption is available for review in the following offices:

Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Office of the Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930-3799; and

Office of the Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: June 15, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-16462 Filed 6-19-84; 8:45 am]

BILLING CODE 3510-22-M

North Wind Undersea Institute; Issuance of Permit To Import Endangered Marine Mammals

On March 30, 1984, Notice was published in the Federal Register (49 FR 12734), that an application had been filed with the National Marine Fisheries Service by the North Wind Undersea Institute, 610 City Island Avenue, City

Island, Bronx, New York 10464, for a Scientific Research and Scientific Purposes Permit to import one gray whale skeleton for scientific research.

Notice is hereby given that on June 14, 1984, the National Marine Fisheries Service issued a Scientific Research and Scientific Purposes Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), to the North Wind Undersea Institute subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to Parts 220-222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930-3799;

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: June 14, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-16464 Filed 6-19-84; 8:45 am]

BILLING CODE 3510-22-M

Taking of Marine Mammals; Issuance of Permit to Tampereen Sarkannleml Oy

On April 25, 1984, Notice was published in the Federal Register (49 FR 17795) that an application had been filed with the National Marine Fisheries Service by Tampereen Sarkannleml Oy, Sarkannleml, SF-33230 Tampere 23,

Finland, for a Permit to take five (5) Atlantic bottlenose dolphin (*Tursiops truncatus*) for public display.

Notice is hereby given that on June 14, 1984, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking to Tampereen Sarkannleml Oy, subject to certain condition set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida.

Dated: June 14, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-16465 Filed 6-19-84; 8:45 am]

BILLING CODE 3510-22-M

Taking of Marine Mammals; Issuance of Permit to Kamogawa Sea World

On April 11, 1984, Notice was published in the Federal Register (49 FR 14416) that an application had been filed with the National Marine Fisheries Service by Kamogawa Sea World, 1468-18 Higashicho, Kamogawa, Chiba Prefecture, 296, Japan, for a Permit to take four (4) rehabilitated beached/stranded California sea lions (*Zalophus californianus*) and four (4) rehabilitated beached/stranded northern elephant seals (*Mirounga angustirostris*) for the purpose of public display.

Notice is hereby given that on June 13, 1984, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking to Kamogawa Sea World subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 13, 1984.

Richard B. Roe,

Director, Office of Protected Species and
Habitat Conservation, National Marine
Fisheries Service.

[FR Doc. 84-16465 Filed 6-19-84; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of
Subsection (d) of Section 10 of Pub. L.
92-463, as amended by Section 5 of Pub.
L. 94-409, notice is hereby given that a
closed meeting of a Panel of the DIA
Advisory Committee has been
scheduled as follows:

Wednesday, 11 July 1984,
USCENTCOM, MacDill AFB, Florida.
The entire meeting, commencing at 0900
hours is devoted to the discussion of
classified information as defined in
Section 552b(c)(1), Title 5 of the United
States Code and therefore will be closed
to the public. Subject matter will be
used in a special study on Special
Actions.

Dated: June 15, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 84-16361 Filed 6-19-84; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board 1984 Summer Panel on Urban Warfare; Change of Advisory Committee Meeting

The meeting of the Defense Science
Board 1984 Summer Study Panel on
Urban Warfare scheduled for 10-11 July
1984 in the Pentagon, Arlington, Virginia
as published in the Federal Register
(Vol. 49, No. 112, Friday, June 8, 1984, FR
Doc. 84-15410) has been changed to 11-
12 July 1984. In all other respects the
notice remain unchanged.

Dated: June 15, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 84-16360 Filed 6-19-84; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Defense Data Network; Advisory Committee Meeting

The Defense Science Board Task
Force on Defense Data network will
meet in closed session on 10-11 July
1984 in the Pentagon, Washington, D.C.

The mission of the Defense Science
Board is to advise the Secretary of
Defense and the Under Secretary of
Defense for Research and Engineering
on scientific and technical matters as
they affect the perceived needs of the
Department of Defense.

At the meeting on 10-11 July 1984, the
Task Force will review the progress in
implementing the Defense Data Network
Program.

In accordance with section 10(d) of
the Federal Advisory Committee Act,
Pub. L. 92-463, as amended (5 U.S.C.
App. II, (1976)), it has been determined
that this DSB Panel meeting, concerns
matters listed in 5 U.S.C.
552b(c)(1)(1976), and that accordingly
this meeting will be closed to the public.

Dated: June 15, 1984.

M.S. Healy

OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 84-16379 Filed 6-19-84; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Endowment Grant Program— Extension of Closing Date for Designation as an Eligible Institution

The Secretary extends to July 20, 1984,
the closing date by which an institution
that wishes to apply for a grant under
the Endowment Grant Program must
submit a request for designation as an
eligible institution. The previous closing
date of May 7, 1984 was published in the
Federal Register of April 4, 1984 (49 FR
13402-13412). The Endowment Grant
Program is authorized under Section 333
of Title III of the Higher Education Act
of 1965, as amended.

The Secretary also publishes new
conversion tables and eligibility
thresholds on which, in part, the
determination of an eligible institution is
based.

The Secretary is extending the closing
date and re-issuing the conversion
tables because the conversion tables
originally published in the Federal
Register of April 4, 1984 in conjunction
with the May 7, 1984 closing date are
inaccurate.

The Secretary will designate an
institution as an eligible institution for
the purpose of receiving an endowment
grant on the basis of the re-issued
conversion tables. *An institution that
applied for designation as an eligible
institution by the May 7, 1984 closing
date and qualifies as an eligible
institution under the re-issued
conversion tables need not submit a*

new application. Those institutions that
did not submit an eligibility application
by May 7, 1984, and those institutions
that need to amend their application to
request a waiver in order to qualify as
an eligible institution may do so by July
20, 1984.

The Secretary revokes the conversion
tables and thresholds published in the
Federal Register of April 4, 1984 (49 FR
13403-13412).

*Closing date for transmittal of
requests:* A "Request for Designation as
an Eligible Institution" form must be
mailed or hand-delivered by 30 days
from publication.

Requests delivered by mail: A request
sent by mail must be addressed to the
Evaluation Section, Division of
Institutional Development, L'Enfant
Plaza, Post Office Box 23868,
Washington, D.C. 20026.

Proof of mailing must consist of one of
the following:

1. A legibly dated U.S. Postal Service
postmark.
2. A legible mail receipt with the date
of mailing stamped by the U.S. Postal
Service.
3. A dated shipping label, invoice, or
receipt from a commercial carrier.
4. Any other proof of mailing
acceptable to the U.S. Secretary of
Education.

*If a request is sent through the U.S.
Postal Service, the Secretary does not
accept either of the following as proof of
mailing: (1) A private metered postmark,
or (2) a mail receipt that is not dated by
the U.S. Postal Service.*

An applicant should note that the U.S.
Postal Service does not uniformly
provide a dated postmark. Before relying
on this method, an applicant should
check with its local post office.

An applicant is encouraged to use
registered or at least first class mail.
Each late applicant will be notified that
its request for designation as an eligible
institution will not be considered for the
FY 1984 funding cycle.

Requests delivered by hand: A
request that is hand-delivered must be
taken to the Evaluation Section, Division
of Institutional Development, Room
3045, Regional Office Building 3, 7th and
D Streets SW., Washington, D.C. Hand-
delivered requests must be received by
the staff of the Evaluation Section.

The staff of the Evaluation Section
will accept and receipt hand-delivered
requests between 9:00 a.m. and 4:30 p.m.
(Eastern Time) daily, except Saturdays,
Sundays and Federal holidays.

A request that is hand-delivered will
not be accepted after 4:30 p.m. on July
20, 1984.

Request forms: Eligibility request forms (ED form 1049-6; OMB Approved 1840-0103) were mailed to all institutions of postsecondary education in early April 1984. Any institution that did not receive a form and wishes to obtain a form should write to the Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20036, or call (202) 245-2338. Institutions that received the form in April 1984 may use the same form to apply under this amended notice.

Program information: Any institution must first be designated as an eligible institution for the Endowment Grant Program. Current recipients of Institutional Aid Program grants who apply for a grant under the Endowment Grant Program in Fiscal Year 1984 must still establish eligibility using a base year of 1981-1982.

An institution is eligible to receive a grant under the Endowment Grant Program if it, in effect, qualifies as an eligible institution under the Challenge Grant Program. An institution, in turn, qualifies as an eligible institution under the Challenge Grant Program if it qualifies (1) as an eligible institution under 34 CFR 627.2 (b) or (d) of the Challenge Grant Program regulations, (2) as an eligible institution for the Strengthening Program under 34 CFR 625.2 and 625.3 of the Strengthening Program regulations, or (3) as an eligible institution for the Special Needs Program, under 34 CFR 626.2 and 626.3 of the Special Needs Program regulations.

Under each of the above program regulations, the Secretary determines an institution's eligibility based in part upon an institution's education and

general (E&G) expenditures and the amount of Title IV HEA student financial assistance individuals attending that institution receive for a particular award year.

The Secretary will use award year 1981-1982 (July 1, 1981-June 30, 1982) as the base year for calculating an institution's eligibility under 34 CFR 625.2(a) (2), (3), and (4) of the Strengthening Program, 34 CFR 626.2(a) (2) and (4) of the Special Needs Program, and under 34 CFR 627.2(d)(2) of the Challenge Grant Program.

Institutions must submit E&G expenditure data for the same 12-month period covered in the "Higher Education General Information Survey (HEGIS XVII) Financial Statistics of Institutions of Higher Education for Fiscal Year Ending 1982."

Applicable regulations: Regulations applicable to the eligibility process include 34 CFR 624.2, 624.3, and 624.20 of the Institutional Aid Programs General

Provisions Regulations; 34 CFR 625.2 and 625.3 of the Strengthening Program Regulations; 34 CFR 626.2 and 626.3 of the Special Needs Program Regulations; 34 CFR 627.2 of the Challenge Grant Program Regulations; and the regulations as proposed in 34 CFR 628 for the Endowment Grant Program. The proposed regulations for the Endowment Grant Program were published in the **Federal Register** of March 5, 1984, (49 FR 8184-8190).

Further information: For the further information, contact the Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20026. Telephone (202) 245-2338. (20 U.S.C. 1051-1069c).

(Catalog of Federal Domestic Assistance Number: 84.031 Institutional Aid Programs)

Dated: June 13, 1984.

T. H. Bell,
U.S. Secretary of Education.

FISCAL YEAR 1984 COMPETITION ENDOWMENT GRANT PROGRAM AMENDED—NATIONAL STANDARDS FOR DETERMINING INSTITUTIONAL ELIGIBILITY FOR THE TITLE III INSTITUTIONAL AID PROGRAMS

[Threshold Chart]

Categories of potentially eligible institutions	Minimum thresholds			
	Strengthening program		Special Needs program	
	Overall threshold	Waiver threshold	Overall threshold	Waiver threshold
Two-year public institutions.....	146	97	89	59
Two-year non-profit private institutions.....	137	91	87	56
Four-year public institutions.....	185	123	109	73
Four-year non-profit private institutions.....	196	131	125	83
Graduate public institutions ¹				26
Graduate non-public private institutions ¹				76

¹ Institutions that do not award bachelor's degrees but do award graduate, postgraduate or professional degrees may request designation for the Endowment Grant Program under the eligibility criteria for the Special Needs Program.

BILLING CODE 4000-01-M

POINT TABLES

The Secretary of Education uses the following tables to determine Title III Institutional Eligibility for the Endowment Grant Program for FY 1984 (based on 1981-82 data):

PART-A : STRENGTHENING

PART-A : CONTINUE

2 YR PUBLIC

2 YR PUBLIC

POINT	PELL PERCENT	PELL DOLLAR	E AND G	POINT	PELL PERCENT	PELL DOLLAR	E AND G
1	0.0001 - 0.0615	0.01 - 368.04	12826.90+	51	0.3409 - 0.3439	602.49 - 604.96	3531.22 - 3590.61
2	0.0616 - 0.0829	368.05 - 400.42	12826.89 - 9957.15	52	0.3440 - 0.3485	604.97 - 606.19	3590.60 - 3570.10
3	0.0830 - 0.0991	400.43 - 415.11	9957.14 - 8861.19	53	0.3486 - 0.3554	606.20 - 608.77	3570.09 - 3538.79
4	0.0992 - 0.1090	415.12 - 427.86	8861.18 - 7606.61	54	0.3555 - 0.3601	608.78 - 611.75	3538.78 - 3509.44
5	0.1091 - 0.1127	427.87 - 440.05	7606.60 - 7321.91	55	0.3602 - 0.3650	611.76 - 614.07	3509.43 - 3476.22
6	0.1128 - 0.1163	440.06 - 446.50	7321.89 - 7153.44	56	0.3651 - 0.3679	614.08 - 616.03	3476.21 - 3447.80
7	0.1164 - 0.1225	446.51 - 449.29	7153.43 - 6755.29	57	0.3680 - 0.3740	616.04 - 618.57	3447.79 - 3409.89
8	0.1226 - 0.1289	449.30 - 453.75	6755.28 - 6382.41	58	0.3741 - 0.3788	618.58 - 619.29	3409.88 - 3400.70
9	0.1300 - 0.1366	453.76 - 463.89	6382.39 - 6238.02	59	0.3789 - 0.3832	619.30 - 620.18	3400.69 - 3371.08
10	0.1367 - 0.1419	463.90 - 467.86	6238.01 - 6060.24	60	0.3833 - 0.3877	620.19 - 623.20	3371.07 - 3333.41
11	0.1420 - 0.1454	467.87 - 471.12	6060.23 - 5839.29	61	0.3878 - 0.3916	623.21 - 626.75	3333.40 - 3289.25
12	0.1455 - 0.1501	471.13 - 476.21	5839.28 - 5776.19	62	0.3917 - 0.3953	626.76 - 634.02	3289.24 - 3264.32
13	0.1502 - 0.1566	476.22 - 481.97	5776.18 - 5619.08	63	0.3954 - 0.3987	634.03 - 638.60	3264.31 - 3233.12
14	0.1567 - 0.1626	481.98 - 486.64	5619.07 - 5523.21	64	0.3988 - 0.4018	638.61 - 640.70	3233.11 - 3212.84
15	0.1627 - 0.1597	486.65 - 490.02	5523.20 - 5364.95	65	0.4019 - 0.4052	640.71 - 643.10	3212.83 - 3185.09
16	0.1698 - 0.1768	490.03 - 493.56	5364.94 - 5260.52	66	0.4053 - 0.4117	643.11 - 647.55	3185.08 - 3149.68
17	0.1769 - 0.1833	493.57 - 495.94	5260.51 - 5219.23	67	0.4118 - 0.4174	647.56 - 651.65	3149.67 - 3116.24
18	0.1834 - 0.1875	495.95 - 499.77	5219.22 - 5056.62	68	0.4175 - 0.4246	651.66 - 653.06	3116.23 - 3097.86
19	0.1876 - 0.1963	499.78 - 503.11	5056.61 - 4989.19	69	0.4247 - 0.4292	653.07 - 654.21	3097.85 - 3059.72
20	0.1964 - 0.1984	503.12 - 509.36	4989.18 - 4931.50	70	0.4293 - 0.4357	654.22 - 657.42	3059.71 - 3018.07
21	0.1985 - 0.2072	509.37 - 515.35	4931.49 - 4898.99	71	0.4358 - 0.4404	657.43 - 660.25	3018.06 - 3003.71
22	0.2073 - 0.2120	515.36 - 517.45	4898.98 - 4832.35	72	0.4405 - 0.4462	660.26 - 664.09	3003.70 - 2991.19
23	0.2121 - 0.2173	517.46 - 520.73	4832.34 - 4766.30	73	0.4463 - 0.4530	664.10 - 665.87	2991.18 - 2942.64
24	0.2174 - 0.2235	520.74 - 524.29	4766.29 - 4689.61	74	0.4531 - 0.4595	665.88 - 671.17	2942.63 - 2902.00
25	0.2236 - 0.2295	524.30 - 529.44	4689.60 - 4615.10	75	0.4596 - 0.4636	671.18 - 673.55	2902.00 - 2878.90
26	0.2296 - 0.2358	529.45 - 532.38	4615.09 - 4576.72	76	0.4637 - 0.4745	673.56 - 677.78	2878.89 - 2854.55
27	0.2359 - 0.2424	532.39 - 535.16	4576.71 - 4534.20	77	0.4746 - 0.4836	677.79 - 682.52	2854.54 - 2813.61
28	0.2425 - 0.2481	535.17 - 537.99	4534.20 - 4496.61	78	0.4837 - 0.4962	682.53 - 685.72	2813.60 - 2787.36
29	0.2482 - 0.2565	538.00 - 543.39	4496.60 - 4446.84	79	0.4963 - 0.5021	685.73 - 690.28	2787.35 - 2754.49
30	0.2566 - 0.2617	543.40 - 545.79	4446.83 - 4426.86	80	0.5022 - 0.5112	690.29 - 693.46	2754.48 - 2737.91
31	0.2618 - 0.2660	545.80 - 551.14	4426.85 - 4366.07	81	0.5113 - 0.5168	693.47 - 698.17	2737.90 - 2722.29
32	0.2661 - 0.2687	551.15 - 554.83	4366.06 - 4321.85	82	0.5169 - 0.5289	698.18 - 702.57	2722.28 - 2683.10
33	0.2688 - 0.2735	554.84 - 559.27	4321.84 - 4278.71	83	0.5290 - 0.5340	702.58 - 707.54	2683.09 - 2642.00
34	0.2736 - 0.2778	559.28 - 561.82	4278.70 - 4209.76	84	0.5341 - 0.5480	707.55 - 713.14	2642.00 - 2625.91
35	0.2779 - 0.2813	561.83 - 563.14	4209.75 - 4160.49	85	0.5481 - 0.5598	713.15 - 720.59	2625.90 - 2576.94
36	0.2814 - 0.2839	563.15 - 568.64	4160.48 - 4136.46	86	0.5599 - 0.5713	720.60 - 725.53	2576.93 - 2547.06
37	0.2840 - 0.2875	568.65 - 571.56	4136.45 - 4078.05	87	0.5714 - 0.5874	725.54 - 729.37	2547.05 - 2523.45
38	0.2876 - 0.2912	571.57 - 573.89	4078.04 - 4023.55	88	0.5875 - 0.6031	729.38 - 733.49	2523.44 - 2499.34
39	0.2913 - 0.2940	573.90 - 576.92	4023.54 - 3973.26	89	0.6032 - 0.6260	733.50 - 740.97	2499.33 - 2432.07
40	0.2941 - 0.2985	576.93 - 578.42	3973.25 - 3949.22	90	0.6261 - 0.6425	740.98 - 748.39	2432.06 - 2390.07
41	0.2986 - 0.3011	578.43 - 580.69	3949.21 - 3860.54	91	0.6426 - 0.6693	748.40 - 756.74	2390.06 - 2345.09
42	0.3012 - 0.3053	580.70 - 583.52	3860.53 - 3824.30	92	0.6694 - 0.6885	756.75 - 764.67	2345.08 - 2292.83
43	0.3054 - 0.3076	583.53 - 584.59	3824.29 - 3799.70	93	0.6886 - 0.7302	764.68 - 774.90	2292.82 - 2271.01
44	0.3077 - 0.3106	584.60 - 588.44	3799.69 - 3769.37	94	0.7303 - 0.7520	774.91 - 787.19	2271.00 - 2224.39
45	0.3107 - 0.3170	588.45 - 589.91	3769.36 - 3759.32	95	0.7521 - 0.8105	787.20 - 794.80	2224.38 - 2088.02
46	0.3171 - 0.3207	589.92 - 594.64	3759.31 - 3732.34	96	0.8106 - 0.8926	794.81 - 808.93	2088.01 - 2041.67
47	0.3208 - 0.3289	594.65 - 596.53	3732.33 - 3708.52	97	0.8927 - 1.0530	808.94 - 840.65	2041.66 - 1900.13
48	0.3290 - 0.3338	596.54 - 598.74	3708.51 - 3687.74	98	1.0531 - 1.4319	840.66 - 887.93	1900.12 - 1.00
49	0.3339 - 0.3367	598.75 - 599.99	3687.73 - 3631.23	99	1.4320+	887.94 - 888.00+	
50	0.3368 - 0.3407	599.99 - 602.48		100			

PART-8 : SPECIAL NEEDS

2 YR PUBLIC

POINT	NEED PERCENT	NEED DOLLAR	E AND G
1	0.0001 - 0.0576	0.01 - 418.19	9957.15+
2	0.0577 - 0.0683	418.20 - 457.27	9957.14 - 7606.61
3	0.0684 - 0.0740	457.28 - 478.80	7606.60 - 7153.44
4	0.0741 - 0.0816	478.81 - 490.90	7153.43 - 6382.41
5	0.0817 - 0.0868	490.91 - 506.58	6382.39 - 6060.24
6	0.0869 - 0.0944	506.59 - 520.84	6060.23 - 5776.19
7	0.0945 - 0.0993	520.85 - 530.67	5776.18 - 5523.21
8	0.0994 - 0.1124	530.68 - 541.02	5523.20 - 5260.52
9	0.1125 - 0.1223	541.03 - 548.25	5260.51 - 5056.63
10	0.1224 - 0.1281	548.26 - 553.12	5056.62 - 4931.50
11	0.1282 - 0.1364	553.13 - 560.21	4931.49 - 4832.35
12	0.1365 - 0.1440	560.22 - 565.83	4832.34 - 4689.61
13	0.1441 - 0.1535	565.84 - 574.49	4689.60 - 4576.72
14	0.1536 - 0.1567	574.50 - 583.94	4576.71 - 4496.61
15	0.1568 - 0.1613	583.95 - 590.08	4496.60 - 4426.86
16	0.1614 - 0.1652	590.09 - 593.26	4426.85 - 4321.45
17	0.1653 - 0.1725	593.27 - 598.99	4321.44 - 4209.76
18	0.1726 - 0.1766	599.00 - 603.83	4209.75 - 4136.48
19	0.1767 - 0.1808	603.84 - 609.98	4136.46 - 4023.56
20	0.1809 - 0.1863	609.99 - 616.83	4023.55 - 3945.22
21	0.1864 - 0.1925	616.84 - 623.02	3945.21 - 3860.54
22	0.1926 - 0.1972	623.03 - 630.45	3860.53 - 3799.70
23	0.1973 - 0.2027	630.46 - 635.29	3799.69 - 3759.32
24	0.2028 - 0.2059	635.30 - 643.16	3759.31 - 3708.53
25	0.2060 - 0.2133	643.17 - 648.40	3708.52 - 3631.23
26	0.2134 - 0.2172	648.41 - 652.36	3631.22 - 3570.10
27	0.2173 - 0.2235	652.37 - 657.14	3570.09 - 3509.44
28	0.2236 - 0.2276	657.15 - 662.09	3509.43 - 3447.80
29	0.2277 - 0.2328	662.10 - 667.62	3447.79 - 3400.69
30	0.2329 - 0.2395	667.63 - 675.70	3400.69 - 3333.41
31	0.2396 - 0.2472	675.71 - 679.36	3333.40 - 3264.32
32	0.2473 - 0.2548	679.37 - 684.97	3264.31 - 3212.84
33	0.2549 - 0.2641	684.98 - 687.63	3212.83 - 3149.68
34	0.2642 - 0.2723	687.64 - 692.47	3149.67 - 3116.24
35	0.2724 - 0.2820	692.48 - 701.34	3116.23 - 3059.72
36	0.2821 - 0.2890	701.35 - 708.64	3059.71 - 3003.71
37	0.2891 - 0.2996	708.65 - 714.00	3003.70 - 2942.65
38	0.2997 - 0.3102	714.01 - 724.49	2942.64 - 2878.91
39	0.3103 - 0.3236	724.50 - 730.73	2878.90 - 2813.61
40	0.3237 - 0.3341	730.74 - 737.97	2813.60 - 2754.49
41	0.3342 - 0.3482	737.98 - 746.75	2754.48 - 2722.29
42	0.3483 - 0.3583	746.76 - 752.19	2722.28 - 2662.00
43	0.3584 - 0.3735	752.20 - 762.81	2662.00 - 2625.91
44	0.3736 - 0.3906	762.82 - 772.20	2625.90 - 2547.06
45	0.3907 - 0.4207	772.21 - 787.30	2547.05 - 2499.34
46	0.4208 - 0.4642	787.31 - 806.21	2499.33 - 2390.07
47	0.4643 - 0.5051	806.22 - 835.07	2390.06 - 2292.83
48	0.5052 - 0.5505	835.08 - 885.98	2292.82 - 2224.39
49	0.5507 - 0.7103	885.99 - 941.43	2224.38 - 2041.67
50	0.7104+	941.44+	2041.66 - 1.00

PART-A : STRENGTHENING

2 YR PRIVATE

POINT	PELL PERCENT	PELL DOLLAR	E AND G
1	0.0001	0.1145	17341.83+
2	0.1146	0.1160	603.48 - 625.34
3	0.1161	0.1697	625.35 - 648.14
4	0.1698	0.1791	648.15 - 696.77
5	0.1792	0.1890	696.78 - 715.20
6	0.1891	0.2047	715.21 - 723.53
7	0.2048	0.2221	723.54 - 750.53
8	0.2222	0.2307	750.54 - 759.69
9	0.2308	0.2358	759.70 - 764.35
10	0.2359	0.2443	764.36 - 769.29
11	0.2444	0.2536	769.30 - 785.17
12	0.2537	0.2646	785.18 - 793.02
13	0.2647	0.2723	793.03 - 795.74
14	0.2724	0.2780	795.75 - 798.05
15	0.2781	0.2856	798.06 - 806.15
16	0.2857	0.2891	806.16 - 808.48
17	0.2892	0.3011	808.49 - 810.46
18	0.3012	0.3050	810.47 - 818.67
19	0.3051	0.3084	818.68 - 822.05
20	0.3085	0.3164	822.06 - 828.25
21	0.3165	0.3219	828.26 - 830.97
22	0.3220	0.3260	830.98 - 838.93
23	0.3261	0.3290	838.94 - 849.11
24	0.3291	0.3332	849.12 - 857.74
25	0.3333	0.3385	857.75 - 864.26
26	0.3386	0.3444	864.27 - 866.03
27	0.3445	0.3541	866.04 - 871.10
28	0.3542	0.3703	871.11 - 874.25
29	0.3704	0.3760	874.26 - 875.33
30	0.3761	0.3792	875.34 - 876.95
31	0.3793	0.3849	876.96 - 880.34
32	0.3850	0.3922	880.35 - 882.07
33	0.3923	0.3945	882.08 - 883.41
34	0.3946	0.4012	883.42 - 886.50
35	0.4013	0.4076	886.51 - 888.90
36	0.4077	0.4143	888.91 - 891.87
37	0.4144	0.4166	891.88 - 892.91
38	0.4167	0.4187	892.92 - 895.66
39	0.4188	0.4206	895.67 - 898.12
40	0.4207	0.4309	898.13 - 901.40
41	0.4310	0.4453	901.41 - 903.88
42	0.4454	0.4612	903.89 - 909.34
43	0.4613	0.4680	909.35 - 913.50
44	0.4681	0.4731	913.51 - 914.99
45	0.4732	0.4761	915.00 - 920.56
46	0.4762	0.4800	920.57 - 923.15
47	0.4801	0.4859	923.16 - 927.50
48	0.4860	0.4892	927.51 - 929.75
49	0.4893	0.4960	929.76 - 930.80
50	0.4961	0.5020	930.81 - 934.16

PART-A : CONTINUE

2 YR PRIVATE

POINT	PELL PERCENT	PELL DOLLAR	E AND G
51	0.5021	0.5058	934.17 - 936.50
52	0.5059	0.5124	936.51 - 939.02
53	0.5125	0.5271	939.03 - 944.37
54	0.5272	0.5344	944.38 - 948.43
55	0.5345	0.5483	948.44 - 951.75
56	0.5484	0.5612	951.76 - 955.73
57	0.5613	0.5637	955.74 - 961.99
58	0.5638	0.5753	962.00 - 969.31
59	0.5754	0.5829	969.32 - 970.93
60	0.5830	0.5901	970.94 - 973.89
61	0.5902	0.5931	973.90 - 975.93
62	0.5932	0.5999	975.94 - 978.67
63	0.6000	0.6213	978.68 - 982.63
64	0.6214	0.6377	982.64 - 984.62
65	0.6378	0.6421	984.63 - 986.59
66	0.6422	0.6543	986.60 - 990.45
67	0.6544	0.6877	990.46 - 994.82
68	0.6878	0.6919	994.83 - 995.29
69	0.6920	0.6942	995.30 - 999.02
70	0.6943	0.7254	999.03 - 1002.65
71	0.7255	0.7316	1002.66 - 1006.10
72	0.7317	0.7515	1006.11 - 1010.08
73	0.7516	0.7765	1010.09 - 1011.22
74	0.7766	0.7934	1011.23 - 1014.29
75	0.7935	0.8020	1014.30 - 1018.73
76	0.8021	0.8175	1018.74 - 1024.46
77	0.8176	0.8325	1024.47 - 1025.37
78	0.8326	0.8489	1025.38 - 1029.16
79	0.8490	0.8570	1029.17 - 1043.82
80	0.8571	0.8696	1043.83 - 1049.36
81	0.8697	0.8921	1049.37 - 1054.28
82	0.8922	0.9108	1054.29 - 1057.85
83	0.9109	0.9350	1057.86 - 1061.48
84	0.9351	0.9847	1061.49 - 1062.16
85	0.9848	1.0045	1062.17 - 1064.89
86	1.0046	1.0507	1064.90 - 1073.48
87	1.0508	1.0778	1073.49 - 1081.43
88	1.0779	1.0896	1081.44 - 1083.85
89	1.0897	1.1285	1083.86 - 1093.10
90	1.1286	1.1621	1093.11 - 1099.05
91	1.1622	1.2013	1099.06 - 1107.98
92	1.2014	1.2479	1107.99 - 1113.53
93	1.2480	1.3749	1113.54 - 1125.46
94	1.3750	1.4670	1125.47 - 1138.10
95	1.4671	1.5129	1138.11 - 1148.27
96	1.5130	1.6181	1148.28 - 1175.35
97	1.6182	1.6499	1175.36 - 1212.43
98	1.6500	1.6500	1212.44 - 1240.05
99	1.6500	1.6500	1240.06 - 1275.35
100	1.6500+	1.6500+	1275.36+

PART-B : SPECIAL NEEDS

2 YR PRIVATE

POINT	NEED PERCENT	NEED DOLLAR	E AND G
1	0.0001 - 0.0786	0.01 - 549.93	14175.57+
2	0.0787 - 0.1245	549.94 - 622.78	14175.55 - 9234.77
3	0.1246 - 0.1414	622.79 - 650.02	9234.76 - 8335.66
4	0.1415 - 0.1629	650.03 - 692.77	8335.64 - 7923.25
5	0.1630 - 0.1738	692.78 - 707.91	7923.24 - 7183.89
6	0.1739 - 0.1871	707.92 - 715.95	7183.88 - 6481.62
7	0.1872 - 0.1971	715.96 - 723.51	6481.61 - 6208.09
8	0.1972 - 0.2053	723.52 - 738.32	6208.08 - 5913.12
9	0.2054 - 0.2142	738.33 - 749.49	5913.11 - 5652.44
10	0.2143 - 0.2275	749.50 - 758.97	5652.43 - 5225.32
11	0.2276 - 0.2380	758.98 - 773.14	5225.30 - 5111.98
12	0.2381 - 0.2456	773.15 - 785.61	5111.96 - 5046.27
13	0.2457 - 0.2486	785.62 - 789.41	5046.26 - 4941.55
14	0.2487 - 0.2529	789.42 - 798.73	4941.54 - 4775.70
15	0.2530 - 0.2741	798.74 - 806.18	4775.69 - 4653.02
16	0.2742 - 0.2800	806.19 - 815.61	4653.01 - 4411.79
17	0.2801 - 0.2875	815.62 - 825.82	4411.78 - 4348.14
18	0.2876 - 0.2943	825.83 - 840.22	4348.13 - 4286.21
19	0.2944 - 0.2987	840.23 - 846.47	4286.20 - 4226.27
20	0.2988 - 0.3121	846.48 - 850.61	4226.26 - 4146.02
21	0.3122 - 0.3188	850.62 - 860.87	4146.01 - 4049.68
22	0.3189 - 0.3282	860.88 - 866.03	4049.67 - 3953.84
23	0.3283 - 0.3405	866.04 - 880.79	3953.83 - 3767.77
24	0.3406 - 0.3499	880.80 - 888.67	3767.76 - 3685.69
25	0.3500 - 0.3570	888.68 - 891.48	3685.68 - 3456.81
26	0.3571 - 0.3787	891.49 - 901.59	3456.80 - 3322.68
27	0.3788 - 0.3837	901.60 - 906.68	3322.67 - 3289.45
28	0.3838 - 0.4020	906.69 - 914.03	3289.44 - 3239.81
29	0.4021 - 0.4081	914.04 - 918.71	3239.80 - 3167.07
30	0.4082 - 0.4281	918.72 - 925.13	3167.06 - 3015.97
31	0.4282 - 0.4354	925.14 - 930.31	3015.96 - 2917.90
32	0.4355 - 0.4524	930.32 - 937.40	2917.89 - 2824.46
33	0.4525 - 0.4584	937.41 - 942.26	2824.45 - 2776.17
34	0.4585 - 0.4841	942.27 - 945.19	2776.16 - 2709.42
35	0.4842 - 0.5096	945.20 - 961.89	2709.41 - 2628.93
36	0.5097 - 0.5358	961.90 - 976.42	2628.93 - 2532.25
37	0.5359 - 0.5585	976.43 - 994.98	2532.25 - 2428.27
38	0.5586 - 0.5935	994.99 - 1005.11	2428.27 - 2342.15
39	0.5936 - 0.6072	1005.12 - 1016.67	2342.14 - 2282.39
40	0.6073 - 0.6465	1016.68 - 1030.45	2282.38 - 2136.58
41	0.6466 - 0.6677	1030.46 - 1040.55	2136.57 - 2068.95
42	0.6678 - 0.7123	1040.56 - 1060.72	2068.94 - 2014.33
43	0.7124 - 0.7474	1060.73 - 1081.48	2014.32 - 1938.78
44	0.7475 - 0.8181	1081.49 - 1104.23	1938.78 - 1889.79
45	0.8182 - 0.8723	1104.24 - 1137.32	1889.78 - 1733.02
46	0.8724 - 0.9725	1137.33 - 1164.38	1733.01 - 1629.04
47	0.9726 - 1.1174	1164.39 - 1191.24	1629.04 - 1361.07
48	1.1175 - 1.3231	1191.25 - 1264.32	1361.06 - 1133.29
49	1.3232 - 1.6500+	1264.33 - 1471.51	1133.28 - 940.53
50		1471.52+	940.52 - 1.00

PART-A : CONTINUE

4 YR PUBLIC

POINT	PELL PERCENT	PELL DOLLAR	PELL PERCENT	PELL DOLLAR	E AND 5
51	0.3101	- 0.3133	830.66	- 831.68	4338.85
52	0.3134	- 0.3140	831.69	- 833.65	4317.63
53	0.3141	- 0.3164	833.66	- 835.65	4304.37
54	0.3165	- 0.3179	835.66	- 836.87	4273.66
55	0.3180	- 0.3193	836.88	- 840.35	4241.81
56	0.3194	- 0.3205	840.35	- 841.09	4202.60
57	0.3206	- 0.3279	841.10	- 844.16	4164.98
58	0.3280	- 0.3297	846.38	- 847.87	4022.90
59	0.3298	- 0.3304	847.88	- 852.09	3985.46
60	0.3305	- 0.3325	852.10	- 852.63	3963.91
61	0.3326	- 0.3345	852.64	- 855.02	3930.62
62	0.3345	- 0.3375	855.03	- 859.02	3875.60
63	0.3376	- 0.3438	864.69	- 866.07	3808.47
64	0.3439	- 0.3461	866.07	- 868.16	3775.91
65	0.3462	- 0.3479	868.16	- 873.35	3726.94
66	0.3524	- 0.3523	873.35	- 874.39	3714.73
67	0.3565	- 0.3601	874.40	- 877.36	3679.19
68	0.3602	- 0.3664	877.37	- 879.42	3643.09
69	0.3665	- 0.3743	886.92	- 888.20	3618.90
70	0.3744	- 0.3800	888.20	- 891.51	3577.03
71	0.3801	- 0.3881	891.52	- 894.22	3525.78
72	0.3881	- 0.3967	894.23	- 896.23	3472.80
73	0.3968	- 0.4013	896.24	- 900.57	3411.81
74	0.4013	- 0.4083	900.58	- 902.76	3394.44
75	0.4084	- 0.4125	902.77	- 908.31	3378.47
76	0.4126	- 0.4204	908.32	- 913.56	3340.14
77	0.4205	- 0.4282	913.57	- 917.25	3296.88
78	0.4283	- 0.4367	917.26	- 921.77	3254.01
79	0.4368	- 0.4419	921.78	- 926.81	3209.32
80	0.4420	- 0.4511	926.82	- 931.72	3179.35
81	0.4512	- 0.4641	931.73	- 933.55	3094.69
82	0.4642	- 0.4806	933.56	- 944.88	3013.86
83	0.4807	- 0.4905	944.89	- 952.59	2975.50
84	0.4906	- 0.5081	952.60	- 957.96	2901.88
85	0.5082	- 0.5261	957.97	- 968.08	2850.11
86	0.5262	- 0.5537	968.09	- 976.60	2829.71
87	0.5538	- 0.5601	976.61	- 982.27	2742.86
88	0.5602	- 0.5689	982.28	- 992.93	2709.32
89	0.5689	- 0.5825	992.94	- 1006.21	2668.28
90	0.5826	- 0.6070	1006.22	- 1024.05	2625.95
91	0.6070	- 0.6266	1024.06	- 1045.97	2573.01
92	0.6266	- 0.6501	1045.98	- 1062.59	2557.18
93	0.6501	- 0.6758	1062.60	- 1074.30	2500.09
94	0.6758	- 0.7000	1074.31	- 1126.64	2444.41
95	0.7000	- 0.7258	1126.65	-	2437.47
96	0.7258	- 0.7558	-	-	2135.41
97	0.7558	- 0.7716	-	-	1.00
98	0.7716	- 0.8065	-	-	
99	0.8065	- 0.8439	-	-	
100	0.8439	- 0.9079	-	-	
101	0.9079	- 1.0112	-	-	
102	1.0112	-	-	-	

PART-A : STRENGTHENING

4 YR PUBLIC

POINT	PELL PERCENT	PELL DOLLAR	PELL PERCENT	PELL DOLLAR	E AND 6
1	0.0001	- 0.0939	26103.33	- 26103.33	26103.33
2	0.0940	- 0.1260	26103.33	- 26855.06	26103.33
3	0.1261	- 0.1345	26855.06	- 27768.39	26855.06
4	0.1346	- 0.1432	27768.39	- 28551.76	27768.39
5	0.1433	- 0.1528	28551.76	- 29326.16	28551.76
6	0.1529	- 0.1632	29326.16	- 30100.04	29326.16
7	0.1633	- 0.1744	30100.04	- 30874.21	30100.04
8	0.1745	- 0.1867	30874.21	- 31648.98	30874.21
9	0.1868	- 0.1993	31648.98	- 32424.20	31648.98
10	0.1993	- 0.2125	32424.20	- 33200.00	32424.20
11	0.2125	- 0.2262	33200.00	- 33976.46	33200.00
12	0.2262	- 0.2404	33976.46	- 34753.69	33976.46
13	0.2404	- 0.2551	34753.69	- 35531.59	34753.69
14	0.2551	- 0.2702	35531.59	- 36310.16	35531.59
15	0.2702	- 0.2857	36310.16	- 37089.41	36310.16
16	0.2857	- 0.3016	37089.41	- 37869.35	37089.41
17	0.3016	- 0.3179	37869.35	- 38650.00	37869.35
18	0.3179	- 0.3345	38650.00	- 39431.35	38650.00
19	0.3345	- 0.3515	39431.35	- 40213.40	39431.35
20	0.3515	- 0.3689	40213.40	- 41000.00	40213.40
21	0.3689	- 0.3867	41000.00	- 41792.15	41000.00
22	0.3867	- 0.4049	41792.15	- 42589.90	41792.15
23	0.4049	- 0.4235	42589.90	- 43393.25	42589.90
24	0.4235	- 0.4425	43393.25	- 44202.30	43393.25
25	0.4425	- 0.4619	44202.30	- 45017.05	44202.30
26	0.4619	- 0.4817	45017.05	- 45837.50	45017.05
27	0.4817	- 0.5019	45837.50	- 46663.65	45837.50
28	0.5019	- 0.5225	46663.65	- 47495.50	46663.65
29	0.5225	- 0.5435	47495.50	- 48333.05	47495.50
30	0.5435	- 0.5649	48333.05	- 49176.30	48333.05
31	0.5649	- 0.5867	49176.30	- 50025.25	49176.30
32	0.5867	- 0.6089	50025.25	- 50880.00	50025.25
33	0.6089	- 0.6315	50880.00	- 51740.55	50880.00
34	0.6315	- 0.6545	51740.55	- 52606.90	51740.55
35	0.6545	- 0.6779	52606.90	- 53479.05	52606.90
36	0.6779	- 0.7017	53479.05	- 54356.90	53479.05
37	0.7017	- 0.7259	54356.90	- 55240.45	54356.90
38	0.7259	- 0.7504	55240.45	- 56129.70	55240.45
39	0.7504	- 0.7753	56129.70	- 57024.65	56129.70
40	0.7753	- 0.8006	57024.65	- 57925.30	57024.65
41	0.8006	- 0.8262	57925.30	- 58831.65	57925.30
42	0.8262	- 0.8521	58831.65	- 59743.80	58831.65
43	0.8521	- 0.8783	59743.80	- 60661.75	59743.80
44	0.8783	- 0.9048	60661.75	- 61585.50	60661.75
45	0.9048	- 0.9316	61585.50	- 62515.05	61585.50
46	0.9316	- 0.9587	62515.05	- 63450.40	62515.05
47	0.9587	- 0.9861	63450.40	- 64391.55	63450.40
48	0.9861	- 1.0138	64391.55	- 65338.50	64391.55
49	1.0138	-	65338.50	-	65338.50
50	-	-	-	-	-

PART-B : SPECIAL NEEDS

4 YR PUBLIC

POINT	NEED PERCENT	NEED DOLLAR	E AND 6
1	0.0001	0.01	20855.06+
2	0.0085	672.42	20855.05
3	0.0885	672.42	13151.78
4	0.1107	697.36	13151.78
5	0.1200	726.90	10509.04
6	0.1231	734.54	8674.21
7	0.1266	750.27	8325.39
8	0.1331	766.84	8325.38
9	0.1451	776.04	7710.75
10	0.1519	781.97	7141.99
11	0.1608	787.35	6835.24
12	0.1673	794.41	6594.05
13	0.1737	798.14	6349.39
14	0.1775	805.96	6174.53
15	0.1817	813.63	5910.54
16	0.1835	819.72	5619.45
17	0.1864	823.32	5475.40
18	0.1910	833.18	5350.44
19	0.1945	842.23	5272.96
20	0.2017	854.34	5052.05
21	0.2074	858.00	4970.58
22	0.2105	864.75	4828.87
23	0.2135	871.45	4759.69
24	0.2183	876.95	4652.00
25	0.2240	882.45	4651.99
26	0.2308	888.25	4561.14
27	0.2382	893.06	4490.61
28	0.2403	898.87	4490.60
29	0.2430	902.98	4403.72
30	0.2464	915.96	4338.86
31	0.2505	926.10	4304.36
32	0.2578	929.94	4241.81
33	0.2673	937.11	4164.98
34	0.2748	947.77	4164.96
35	0.2809	955.95	3985.46
36	0.2957	971.62	3930.61
37	0.3027	981.36	3838.91
38	0.3114	984.46	3775.92
39	0.3306	994.27	3738.01
40	0.3397	1005.44	3714.72
41	0.3555	1016.53	3649.10
42	0.3737	1034.23	3601.64
43	0.3970	1044.54	3526.79
44	0.4305	1056.85	3411.81
45	0.4526	1065.52	3378.47
46	0.4881	1075.81	3296.88
47	0.5345	1105.74	3209.32
48	0.6264	1132.81	3094.69
49	0.6700	1156.44	2975.51
50	0.7793+	1229.62+	2850.12
			2742.87
			2668.29
			2573.02
			2500.10
			2377.48
			1.00

PART-A : STRENGTHENING

4 YR PRIVATE

POINT	PELL PERCENT	PELL DOLLAR	E AND 6
1	0.0001	0.0569	21317.37+
2	0.0570	0.0897	698.18 - 698.17
3	0.0898	0.1051	760.34 - 760.33
4	0.1052	0.1250	784.51 - 784.50
5	0.1251	0.1363	810.65 - 810.64
6	0.1364	0.1431	818.63 - 818.62
7	0.1432	0.1474	827.64 - 827.63
8	0.1475	0.1526	836.09 - 836.08
9	0.1527	0.1601	841.99 - 841.98
10	0.1602	0.1659	847.81 - 847.80
11	0.1660	0.1711	852.55 - 852.54
12	0.1712	0.1782	856.44 - 856.43
13	0.1783	0.1821	860.69 - 860.68
14	0.1822	0.1901	863.71 - 863.70
15	0.1902	0.1937	868.73 - 868.72
16	0.1938	0.1991	871.57 - 871.56
17	0.1992	0.2033	876.44 - 876.43
18	0.2034	0.2077	879.20 - 879.19
19	0.2078	0.2131	884.03 - 884.02
20	0.2132	0.2175	886.78 - 886.77
21	0.2176	0.2231	891.41 - 891.40
22	0.2232	0.2270	894.67 - 894.66
23	0.2271	0.2297	898.75 - 898.74
24	0.2298	0.2336	902.27 - 902.26
25	0.2337	0.2390	906.03 - 906.02
26	0.2391	0.2427	908.34 - 908.33
27	0.2428	0.2487	911.17 - 911.16
28	0.2488	0.2558	913.50 - 913.49
29	0.2529	0.2571	917.13 - 917.12
30	0.2572	0.2617	919.47 - 919.46
31	0.2618	0.2656	922.30 - 922.29
32	0.2657	0.2694	925.59 - 925.58
33	0.2685	0.2741	928.19 - 928.18
34	0.2742	0.2803	932.12 - 932.11
35	0.2804	0.2860	935.73 - 935.72
36	0.2861	0.2894	938.24 - 938.23
37	0.2895	0.2938	941.18 - 941.17
38	0.2939	0.2979	943.97 - 943.96
39	0.2980	0.3026	946.37 - 946.36
40	0.3027	0.3058	949.27 - 949.26
41	0.3059	0.3095	951.95 - 951.94
42	0.3096	0.3136	954.30 - 954.29
43	0.3137	0.3179	957.19 - 957.18
44	0.3180	0.3220	959.58 - 959.57
45	0.3221	0.3256	961.96 - 961.95
46	0.3257	0.3288	964.54 - 964.53
47	0.3289	0.3354	966.55 - 966.54
48	0.3355	0.3403	968.76 - 968.75
49	0.3404	0.3454	972.50 - 972.49
50	0.3455	0.3492	975.29 - 975.28

PART-A : CONTINUE

4 YR PRIVATE

POINT	PELL PERCENT	PELL DOLLAR	E AND 6
51	0.3493	0.3543	976.93 - 976.92
52	0.3544	0.3595	979.86 - 979.85
53	0.3596	0.3640	981.94 - 981.93
54	0.3641	0.3666	984.17 - 984.16
55	0.3667	0.3706	987.55 - 987.54
56	0.3707	0.3764	991.16 - 991.15
57	0.3765	0.3830	993.87 - 993.86
58	0.3831	0.3850	997.61 - 997.60
59	0.3851	0.3899	1000.19 - 1000.18
60	0.3900	0.3946	1003.25 - 1003.24
61	0.3947	0.3999	1005.36 - 1005.35
62	0.4000	0.4046	1008.00 - 1008.00
63	0.4047	0.4097	1010.55 - 1010.55
64	0.4098	0.4131	1013.56 - 1013.55
65	0.4132	0.4172	1015.56 - 1015.55
66	0.4173	0.4209	1018.23 - 1018.23
67	0.4210	0.4251	1020.77 - 1020.77
68	0.4252	0.4301	1023.31 - 1023.31
69	0.4352	0.4420	1025.78 - 1025.78
70	0.4421	0.4508	1028.32 - 1028.32
71	0.4509	0.4569	1030.84 - 1030.84
72	0.4570	0.4604	1033.32 - 1033.32
73	0.4605	0.4669	1035.84 - 1035.84
74	0.4670	0.4721	1038.28 - 1038.28
75	0.4722	0.4775	1040.70 - 1040.70
76	0.4776	0.4870	1043.19 - 1043.19
77	0.4871	0.4924	1045.61 - 1045.61
78	0.4925	0.5022	1048.15 - 1048.15
79	0.5023	0.5092	1050.68 - 1050.68
80	0.5093	0.5263	1053.20 - 1053.20
81	0.5263	0.5347	1055.72 - 1055.72
82	0.5348	0.5462	1058.24 - 1058.24
83	0.5463	0.5555	1060.76 - 1060.76
84	0.5556	0.5660	1063.28 - 1063.28
85	0.5691	0.5832	1065.80 - 1065.80
86	0.5833	0.6058	1068.32 - 1068.32
87	0.6059	0.6249	1070.84 - 1070.84
88	0.6250	0.6474	1073.36 - 1073.36
89	0.6475	0.6737	1075.88 - 1075.88
90	0.6739	0.6957	1078.40 - 1078.40
91	0.6958	0.7185	1080.92 - 1080.92
92	0.7186	0.7537	1083.44 - 1083.44
93	0.7538	0.8025	1085.96 - 1085.96
94	0.8026	0.8497	1088.48 - 1088.48
95	0.8498	0.9006	1091.00 - 1091.00
96	0.9007	0.9389	1093.52 - 1093.52
97	0.9390	0.9882	1096.04 - 1096.04
98	0.9883	1.0662	1098.56 - 1098.56
99	1.0663	1.2827	1101.08 - 1101.08
100	1.2828	1.5256	1103.60 - 1103.60

PART-B : SPECIAL NEEDS

4 YR PRIVATE

POINT	NEED PERCENT	NEED DOLLAR	E AND G
1	0.0001	0.01	15038.08+
2	0.0789	710.87	15038.07
3	0.1103	747.50	12102.51
4	0.1286	781.81	10642.74
5	0.1435	811.31	10186.97
6	0.1614	836.73	10186.96
7	0.1730	858.87	9418.53
8	0.1850	872.76	8833.39
9	0.1933	893.99	8294.01
10	0.2049	906.58	8074.14
11	0.2118	918.82	7766.43
12	0.2203	926.82	7522.09
13	0.2283	942.53	7289.50
14	0.2341	952.47	7070.70
15	0.2403	958.19	6897.69
16	0.2472	965.38	6705.98
17	0.2538	977.72	6500.71
18	0.2612	986.24	6367.61
19	0.2654	996.72	6224.39
20	0.2714	1008.42	6108.20
21	0.2788	1017.72	5934.92
22	0.2865	1027.86	5815.28
23	0.2964	1035.15	5707.26
24	0.3050	1043.21	5587.75
25	0.3125	1054.52	5435.67
26	0.3208	1065.48	5322.76
27	0.3294	1075.86	5235.42
28	0.3374	1084.43	5137.46
29	0.3470	1094.80	5043.02
30	0.3550	1109.67	4948.30
31	0.3650	1120.26	4867.80
32	0.3714	1134.02	4798.69
33	0.3807	1144.12	4684.23
34	0.3896	1154.24	4578.05
35	0.4005	1164.77	4495.80
36	0.4071	1182.92	4354.17
37	0.4194	1195.01	4230.76
38	0.4298	1212.66	4137.59
39	0.4401	1228.49	4041.83
40	0.4542	1246.35	3941.59
41	0.4622	1262.23	3824.09
42	0.4754	1296.74	3708.13
43	0.4951	1317.79	3593.11
44	0.5141	1343.20	3471.46
45	0.5446	1374.30	3331.49
46	0.5794	1410.88	3165.25
47	0.6128	1446.61	3010.36
48	0.7044	1517.32	2770.59
49	0.8033	1603.73	2499.81
50	0.9522+	1763.09+	2103.39
			1669.06
			1.00

PART B: SPECIAL NEEDS

GRADUATE PRIVATE

POINT	NEED PERCENT	NEED DOLLAR
1	0.0001 - 0.0176	0.01 - 449.61
2	0.0177 - 0.0248	449.62 - 577.11
3	0.0249 - 0.0315	577.12 - 595.20
4	0.0316 - 0.0401	595.21 - 618.31
5	0.0402 - 0.0567	618.32 - 669.46
6	0.0568 - 0.0618	669.47 - 728.18
7	0.0619 - 0.0635	728.19 - 783.84
8	0.0636 - 0.0650	783.85 - 813.56
9	0.0651 - 0.0863	813.57 - 848.67
10	0.0864 - 0.0994	848.68 - 873.85
11	0.0995 - 0.1018	873.86 - 881.80
12	0.1019 - 0.1028	881.81 - 897.93
13	0.1029 - 0.1113	897.94 - 949.89
14	0.1114 - 0.1170	949.90 - 968.59
15	0.1171 - 0.1299	968.60 - 969.71
16	0.1300 - 0.1419	969.72 - 1011.31
17	0.1420 - 0.1461	1011.32 - 1018.04
18	0.1462 - 0.1479	1018.05 - 1024.48
19	0.1479 - 0.1605	1024.49 - 1030.75
20	0.1605 - 0.1629	1030.76 - 1071.02
21	0.1630 - 0.1737	1071.03 - 1100.22
22	0.1738 - 0.1777	1100.23 - 1112.27
23	0.1778 - 0.1785	1112.28 - 1127.49
24	0.1786 - 0.1816	1127.50 - 1301.17
25	0.1817 - 0.1855	1301.18 - 1360.01
26	0.1856 - 0.1913	1360.02 - 1369.27
27	0.1914 - 0.1977	1369.28 - 1415.09
28	0.1978 - 0.2021	1415.10 - 1444.43
29	0.2022 - 0.2044	1444.44 - 1448.95
30	0.2045 - 0.2062	1448.96 - 1512.23
31	0.2063 - 0.2098	1512.24 - 1517.85
32	0.2099 - 0.2130	1517.86 - 1543.44
33	0.2131 - 0.2307	1543.45 - 1584.03
34	0.2308 - 0.2367	1584.04 - 1589.99
35	0.2368 - 0.2400	1590.00 - 1604.72
36	0.2401 - 0.2618	1604.73 - 1635.81
37	0.2619 - 0.2525	1635.82 - 1643.40
38	0.2526 - 0.2736	1643.41 - 1664.07
39	0.2737 - 0.2833	1664.08 - 1766.45
40	0.2834 - 0.2858	1766.46 - 1802.77
41	0.2859 - 0.2954	1802.78 - 1945.64
42	0.2955 - 0.3064	1945.65 - 1955.76
43	0.3065 - 0.3174	1955.77 - 2028.77
44	0.3175 - 0.3203	2028.78 - 2258.91
45	0.3204 - 0.3520	2258.92 - 2275.66
46	0.3521 - 0.3717	2275.67 - 2580.90
47	0.3718 - 0.4614	2580.91 - 2772.57
48	0.4615 - 0.5237	2772.58 - 3400.06
49	0.5238 - 0.6939	3400.07 - 3563.35
50	0.6940+	3563.36+

PART B: SPECIAL NEEDS

GRADUATE PUBLIC

POINTS	NEED PERCENT	NEED DOLLARS
1	0.0001 - 0.0942	0.01 - 545.59
7	0.0943 - 0.1869	545.60 - 1380.94
19	0.1870 - 0.3619	1380.95 - 1408.23
32	0.3620 - 0.3785	1408.24 - 1675.49
50	0.3786+	1675.50+

DEPARTMENT OF ENERGY

Energy Information Administration

Publication of Alternative Fuel Price
Ceilings and Incremental Price
Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (P.L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective July 1, 1984. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, 2000 Independence Avenue, SW., Room BE-034, Washington, D.C. 10585, Telephone: (202) 252-6077.

Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for state regions. Under the revised Methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in section III.

State	Dollars per million BTU's
Alabama	4.30
Arizona ¹	4.15
Arkansas ¹	4.10
California	4.07
Colorado ²	4.13
Connecticut ¹	4.59
Delaware ¹	4.54
Florida	4.16
Georgia ¹	4.41
Idaho ²	4.13
Illinois	4.25
Indiana	4.16
Iowa ¹	4.16
Kansas ¹	4.16
Kentucky ¹	4.33
Louisiana ¹	4.10
Maine	4.55
Maryland ¹	4.54
Massachusetts	4.51
Michigan ¹	4.33
Minnesota	4.02
Mississippi ¹	4.41
Missouri	4.16
Montana ²	4.13
Nebraska ¹	4.16
Nevada ¹	4.15
New Hampshire ¹	4.59
New Jersey ¹	4.54
New Mexico	3.89
New York	4.54
North Carolina ¹	4.41
North Dakota ¹	4.16
Ohio	4.20
Oklahoma ¹	4.10
Oregon ¹	4.15
Pennsylvania	4.49
Rhode Island ¹	4.59
South Carolina ¹	4.41
South Dakota ¹	4.16
Tennessee ¹	4.41
Texas	3.91
Utah ²	4.13
Vermont ¹	4.59
Virginia ¹	4.41
Washington ¹	4.15
West Virginia ¹	4.33
Wisconsin ¹	4.33
Wyoming ²	4.13

¹ Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM-79-21.

² Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II. Incremental Pricing
Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during April 1984 was \$35.39 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective July 1, 1984, is \$7.93 per million BTU's.

Section III. Method Used To Compute
Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81-27 on July 24, 1981, made permanent the rule that established that only the price paid

for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of February 1984, March 1984, and April 1984.¹ All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine
Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective July 1, 1984 (shown in section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, February 1984, March 1984, and April 1984. Reported prices for sales in February 1984 were adjusted by the percent change in the nationwide volume-weighted average price from February 1984 to April 1984. Prices for March 1984 were similarly adjusted by the percent change in the nationwide volume-weighted average price from March 1984 to April 1984. The volume-weighted 3-month average of the adjusted February 1984 and March 1984, and the reported April 1984 prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Price.* The lowest selling price within the State was determined for each month of the 3-

¹ Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises, Electric utilities, governmental bodies (Federal, State, or local), and the military are excluded.

month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of February 1984, March 1984, and April 1984. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high

sulfur residual fuel oil for the ten trading days ending June 14, 1984, and dividing that price by the corresponding weighted average price computed from prices published by *Platt's* for the month of April 1984. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A
Connecticut New Hampshire
Maine Rhode Island
Massachusetts Vermont

Region B
Delaware New York
Maryland Pennsylvania
New Jersey

Region C
Alabama North Carolina
Florida South Carolina
Georgia Tennessee
Mississippi Virginia

Region D
Illinois Ohio
Indiana West Virginia
Kentucky Wisconsin
Michigan

Region E
Iowa Nebraska
Kansas North Dakota
Missouri South Dakota
Minnesota

Region F
Arkansas Oklahoma
Louisiana Texas
New Mexico

Region G
Colorado Utah
Idaho Wyoming
Montana

Region H
Arizona Oregon
California Washington
Nevada

Issued in Washington, D.C., June 18, 1984.

Albert H. Linden, Jr.,
Deputy Administrator, Energy Information
Administration.

[FR Doc. 84-16524 Filed 6-19-84; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP84-435-000]

Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Application

June 15, 1984.

Take notice that on May 22, 1984, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP84-435-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Arkla to sell natural gas to Southern Natural Gas Company (Southern) at a point near Southern's Perryville Compressor Station in northeast Louisiana, and to construct and operate the necessary pipeline and compression facilities necessary to implement said sale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Arkla requests authority to sell a maximum daily quantity (MDQ) of 100,000 Mcf of natural gas from November 1, 1985 to October 31, 1986, 200,000 Mcf from November 1, 1986 to October 31, 1987, and 300,000 Mcf from November 1, 1987 for the remaining fifteen years of their agreement. It is stated that the agreement further provides that if Arkla desires to sell to Southern volumes in excess of the MDQ, Southern may purchase such overrun volumes as Arkla makes available. Arkla also requests authorization for the initial inclusion of Southern's requirements under Arkla's curtailment plan. The contract provides for a minimum monthly purchase obligation equal to 50.0 percent of the MDQ times the number of days in each month and a minimum annual purchase obligation equal to 60.0 percent of the MDQ times the number of days in the year. In the event Southern pays for volumes not received, it would be able to make up those volumes within 48 months of the period from which the deficiency was incurred. Arkla states that deliveries to Southern would, in the event of curtailment, be governed by the priorities of service in Arkla's then effective curtailment plan as applied by Arkla to Southern's requirements. The contract provides for an initial rate determined in accordance with the *Atlantic Seaboard* (11 FPC 43 (1952)) method of cost classification and allocation, consisting of a monthly demand charge not exceeding \$4.65 per Mcf and a commodity charge not exceeding \$3.2567 per Mcf, except as

may be necessary to reflect changes in Arkla's cost of purchased gas between the date of the agreement and the date service commences.

In order to effect the above sale, Arkla requests authorization to construct and operate pipeline, compression and other appurtenant facilities (see Appendix) at an estimated cost of \$231,568,000. It is stated that the cost of the proposed facilities would be financed on an interim basis from cash on hand and short-term loans or commercial paper which would, in due course, be incorporated into Arkla's permanent financing program in the form of long-term securities.

Arkla states that the proposed sale to Southern is part of its efforts to replace its lost markets indicating that its annual sales volume declined from 450,000,000 Mcf in 1970 to 265,000,000 Mcf in 1983. Such load losses are attributed to conversion to the use of coal and nuclear energy, conservation and, more recently, economic recession. Arkla further states that because its average sales price of gas is one of the lowest in the industry that virtually none of the market loss has been attributable to fuel oil price competition and that absent the development of new markets, the load loss cannot be restored. Arkla indicates that it would provide the volumes necessary to serve Southern from its existing reserves and from additional reserves to be acquired. Arkla states that its ratio of reserves to withdrawals as of December 31, 1983, was 17.1 years and that it has an annual supply available of approximately 70,000,000 Mcf in excess of its current requirements.

Arkla states that its customers would benefit from the proposed sale because these increased volumes would spread system costs more broadly and that Southern's customers would benefit because Southern would receive a long-term reliable supply of gas at a price which would lower Southern's average cost of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party

to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Appendix—Proposed Facilities and Construction Schedule

(A) To be completed by November 1, 1985:

(1) 112 miles of 30-inch pipeline extending from Arkla's Beirne compressor station in Clark County, Arkansas to the point of delivery to Southern near Southern's Perryville compressor station in Ouachita Parish, Louisiana, and related metering and regulating facilities;

(2) 23.76 miles of 30-inch loop line between Arkla's Dunn compressor station in Logan County, Arkansas and its Chambers compressor station in Yell County, Arkansas;

(3) A compressor station having approximately 6,750 horsepower (tentatively designated as the "Clark County Compressor Station") at Arkla's Beirne compressor station site in Clark County, Arkansas.

(B) To be completed by November 1, 1986:

(1) 16.32 miles of 30-inch loop line between Arkla's Chambers compressor station in Yell County, Arkansas and Arkla's Perla regulator station in Hot Spring County, Arkansas;

(2) An additional compressor unit of approximately 4,000 horsepower at Arkla's Dunn compressor station in Logan County, Arkansas;

(3) An additional compressor unit of approximately 3,850 horsepower at

Arkla's Chambers compressor station in Yell County, Arkansas;

(4) Two additional compressor units totalling approximately 8,500 horsepower at Arkla's Ada storage facility in Pontotoc County, Oklahoma;

(5) Modification of Arkla's Perla regulator station in Hot Spring County, Arkansas and the metering facilities at its Dunn compressor station in Logan County, Arkansas.

(C) To be completed by November 1, 1987:

(1) 48.22 miles of 36-inch loop line between Arkla's Chandler compressor station in Latimer County, Oklahoma and its Dunn compressor station in Logan County, Arkansas;

(2) 34.36 miles of 30-inch loop line between Arkla's Perla regulator station in Hot Spring County, Arkansas and its Beirne compressor station in Clark County, Arkansas;

(3) 10.0 miles of 24-inch loop line between Arkla's Taylor compressor station and its Hamilton Products Extraction Plant in Columbia County, Arkansas;

(4) A compressor station having approximately 9,000 horsepower on Arkla's Line AD (tentatively designated as the Ada compressor station) in Pontotoc County, Oklahoma.

[FR Doc. 84-16436 Filed 6-19-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-482-000]

Arkansas Power & Light Co.; Filing

June 15, 1984.

The filing Company submits the following:

Take notice that on June 7, 1984, Arkansas Power & Light Company (AP&L) tendered for filing a Letter Agreement dated May 23, 1984 between AP&L and the City of Ruston, Louisiana (Ruston) for transmission service through the system of AP&L. The Agreement will permit a sale by Arkansas Electric Cooperative Corporation to Ruston of twenty-seven MW of contract capacity and accompanying energy. AP&L presently provides transmission service to Ruston under a similar agreement.

AP&L request an effective date of July 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 2, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16437 Filed 6-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-327-000]

California Energy Co., Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 15, 1984.

On May 16, 1984, California Energy Company, Inc., (Applicant) of 3333 Mendocino Avenue, Suite 100, Santa Rosa, California 95401, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located at the Naval Weapons Center of the United States Navy at China Lake, near Ridgecrest, California within the Coso-Known Geothermal Resource Area. The primary energy source will be geothermal fluids. The electric power production capacity will be 75 megawatts. The facility will not use any natural gas, oil or coal.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16438 Filed 6-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-432-000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

June 15, 1984.

Take notice that on May 21, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP84-432-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of Webster Brick Company, Inc. (Webster Brick), under the authorization issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 1,225 million Btu of natural gas per day, less retainage, for Webster Brick for a one-year term effective the date deliveries of gas commence hereunder. Columbia states that the gas to be transported hereunder would be purchased from R. Gene Brasel by Webster Brick and would be used as process gas in Webster Brick's plant in Somerset, Virginia. Columbia indicates that the gas to be purchased by Webster Brick involves gas supplies released by Columbia and that such supplies are subject to the ceiling price provisions of sections 103, 107 and 108 of the Natural Gas Policy Act of 1978. It is further stated that Columbia would receive the gas at existing delivery points in various counties in Ohio and redeliver such gas to Commonwealth Gas Pipe Line Corporation in Green County, Virginia, which would in turn redeliver the gas to Commonwealth Gas Services Corporation (Commonwealth Services) near Somerset. Commonwealth Services is the distribution company serving Webster Brick.

Columbia states that it would charge either (1) its average system-wide storage and transmission charge, currently 40.11 cents per dt equivalent, exclusive of company-use and unaccounted-for gas, or (2) its average system-wide storage, transmission, and gathering charge, currently 44.93 cents per dt equivalent, exclusive of company-use and unaccounted-for gas, depending

on whether Columbia's gathering facilities are involved. It is further stated that Columbia would retain for company-use and unaccounted-for gas a percentage of the gas delivered hereunder as reflected in Columbia's rate filings; this percentage is currently 2.85 percent.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16439 Filed 6-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-439-000]

Columbia Gas Transmission Corp.; Application

June 15, 1984.

Take notice that on May 23, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP84-439-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing decreased winter contract demand under a revised service agreement with Cincinnati Gas and Electric (CG&E), an existing wholesale customer of Columbia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia proposes to enter into a revised service agreement with CG&E, effectuating a decrease in its winter contract quantity under Rate Schedule WS of 924,000 dt equivalent of natural gas from 6,852,000 dt to 5,928,000 dt in Zone 3, and an increase in its winter contract quantity under Rate Schedule WS of 770,000 dt from 1,300,000 dt to 2,070,000 dt in Zone 4, effective November 1, 1983; resulting in a reduction of total winter contract

quantity of 154,000 dt from 8,152,000 dt to 7,998,000 dt.

It is stated that the proposed service level changes would have virtually no impact on Columbia's gas supply or operation. The proposed service level changes would not affect CG&E's total daily entitlement. It is stated that this reduction provides CG&E with a minimum of 50 days of winter service maximum daily quantity in Zone 4 and 60 days in Zone 3.

It is indicated that the customer's requests for service changes were made pursuant to the provisions of Columbia's FERC Gas Tariff Original Volume No. 1.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16440 Filed 6-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-455-000]

**Columbia Gas Transmission Corp.;
Request Under Blanket Authorization**

June 15, 1984.

Take notice that on June 1, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314 filed in Docket No. CP84-455-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of Globe Refractories, Inc. (Globe) under the authorization issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 2.1 billion Btu of natural gas per day for Globe for a term of one year. It is stated that the gas to be transported would be purchased from Atlas Energy Group, Inc. (Atlas) and J. D. Drilling Company (J. D. Drilling) and would be used as process gas in Globe's Newell, West Virginia plant.

The gas purchase agreements between Atlas and Globe and between J. D. Drilling and Globe indicate that Columbia has released certain gas supplies of Atlas and J. D. Drilling. It is stated that these supplies are subject to the ceiling provisions of sections 103, 107 and 108 of the Natural Gas Policy Act of 1978. It is indicated that Globe has purchased this released gas from Atlas and J. D. Drilling. It is further indicated that Columbia would receive the gas at existing points in Ohio and would deliver the gas to Columbia Gas of West Virginia, Inc., the distributor serving Globe, near Newell, West Virginia.

It is stated that depending upon whether its gathering facilities are involved, Columbia would charge either (1) 40.11 cents per dt equivalent for storage and transmission, exclusive of company-use and unaccounted-for gas, or (2) 44.93 cents per dt equivalent for storage, transmission and gathering, exclusive of company-use and unaccounted-for gas. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205

of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16441 Filed 6-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-481-000]

Florida Public Utilities Co.; Filing

June 15, 1984.

The filing Company submits the following:

Take notice that on June 7, 1984, Florida Public Utilities Company (FPUC) tendered for filing a notice of cancellation of Rate Schedule No. 1, which provides for the sale of electric power by FPUC to the City of Blountstown, Florida (Blountstown) for its own use and for resale in Blountstown and the surrounding area.

FPUC states that Blountstown no longer purchases electric power from FPUC, and that rate schedule is obsolete. FPUC proposes that the cancellation be made effective June 1, 1984.

According to FPUC a copy of the notice of cancellation has been served upon Blountstown and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 28, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16442 Filed 6-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-188-000]

Merck, Sharp, and Dohme Quimica De Puerto Rico, Inc.; Termination of Docket

June 15, 1984.

On February 24, 1984, Merck, Sharp, and Dohme Quimica De Puerto Rico, Inc. (Merck) filed, pursuant to § 292.207(a)(2) of the Commission's regulations, a notice with the Commission that its facility located in Barceloneta, Puerto Rico is a qualifying cogeneration facility. On March 9, 1984, notice of the filing was published in the *Federal Register*,¹ and on April 10, 1984, the Puerto Rico Electric Power Authority (PREPA) filed a notice of or motion for intervention. In response to a request from the Commission's Office of Electric Power Regulation, Merck filed additional information on April 16, 1984.

Under the Commission's rules, a cogeneration facility may either file a notice that the facility is a qualifying cogeneration facility, pursuant to § 292.207(a)(2), or an application for certification as a qualifying cogeneration facility, pursuant to § 292.207(b). Merck's notice was inadvertently treated as an application. Since Merck has included the required information in its notice, it has complied with § 292.207(a)(2) of the Commission's regulations and interventions do not lie under our rules. Therefore, PREPA's motion to intervene is hereby dismissed, and Docket No. QF84-188-000 is hereby terminated.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16443 Filed 6-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-434-000]

Natural Gas Pipeline Company of America; Application

June 15, 1984.

Take notice that on May 22, 1984, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP84-434-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation and delivery

of summer season volumes of natural gas rescheduled for winter season delivery for Iowa-Illinois Gas and Electric Company, (Iowa-Illinois) all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that pursuant to a gas transportation and rescheduling agreement, dated April 21, 1976, among Applicant, Iowa-Illinois and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), it transports up to 5,000 Mcf per day of natural gas during the summer season (not to exceed 100,000 Mcf per summer season) to Iowa-Illinois' liquefied natural gas facility at Rock Island County, Illinois. It is stated that Applicant receives said volumes from Northern at Northern's existing Glenwood Exchange Point in Mills County, Iowa. It is also stated that during the winter season, Applicant transports and redelivers up to the volumes stored during the summer to Northern for redelivery to Iowa-Illinois at its Fort Dodge district as required. It is further stated that the agreement was terminated on April 13, 1984, by Applicant, Northern and Iowa-Illinois.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes

that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16444 Filed 6-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-337-000]

S&S Ltd. Partnership; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 15, 1984.

On May 1, 1984, S&S Ltd. Partnership, (Applicant) of 1742 Targhee, Twin Falls, Idaho 83301, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 500 kW hydroelectric facility (P. 4769) is located on the Mud Creek near Buhl, Idaho.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding

¹ 49 FR 9006.

siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16445 Filed 6-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2110-000]

Ralph F. Schlenker; Application

June 15, 1984.

Take notice that on June 7, 1984, Ralph F. Schlenker filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President—Iowa Power and Light Company
Director—Iowa Gas Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 2, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-16446 Filed 6-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-436-000]

Southern Natural Gas Co.; Application

June 15, 1984.

Take notice that on May 22, 1984, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP84-436-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline and compression facilities to enable Southern to receive and transport gas purchased from Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), for system supplies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern states that it has entered into an agreement with Arkla, dated July 29, 1983 (Agreement), pursuant to which Arkla has agreed to sell on a firm basis to Southern certain quantities of gas for a term of fifteen years commencing on November 1, 1985. The terms of the Agreement provide for an initial maximum daily quantity (MDQ) of 100,000 Mcf commencing on November 1, 1985, increasing for one year to an MDQ of 200,000 Mcf commencing on November 1, 1986, and increasing for the remainder of the term of the Agreement on November 1, 1987, to an MDQ of 300,000 Mcf per day. Southern states it would also be entitled to purchase from Arkla during the term of the Agreement daily overrun quantities of gas above the MDQ in effect to the extent such overrun quantities are made available by Arkla.

It is indicated that the initial rate would be a two-part rate designed in accordance with the methodology established in *Atlantic Seaboard Corporation, et al.*, 11 FPC 43 (1952), and would consist of a demand charge not in excess of \$4.65 per Mcf and a commodity charge not in excess of \$3.2567 per Mcf, which commodity charge would be adjusted, however, to reflect adjustments from Arkla's currently effective cost of purchased gas of \$2.6854 per Mcf.

Southern further states that in designing the proposed facilities, it has taken into consideration the fact that its two gas purchase agreements with United Gas Pipe Line Company (United) expire by their own terms on October 31, 1984, and that Southern and United have reached a new agreement extending the current level of service to Southern until October 31, 1985, after which United would sell and deliver to Southern a reduced contract quantity of 175,000 Mcf per day.

It is indicated that the quantities of gas to be purchased by Southern under the Agreement would be delivered by Arkla at a proposed point of delivery on Southern's existing north main pipeline system near its Perryville compressor station site in Ouachita Parish, Louisiana. In order to receive and transport quantities of gas to be delivered by Arkla, Southern proposes to construct and operate a pipeline receiving station and appurtenant facilities at its Perryville compressor station site, approximately 47 miles of 24-inch pipeline to loop portions of its existing north main pipeline system at various locations in northern Louisiana and central Mississippi, and 5,200 horsepower of additional compression at its Pickens compressor station site in Yazoo County, Mississippi. The

estimated cost of constructing the above-described facilities is stated to be \$55,877,000 and is expected to be financed initially by short-term financing and/or cash from current operations and ultimately from permanent financing.

Southern submits that the present and future public convenience and necessity require the construction and operation of the facilities described in the application to enable it to receive and transport quantities of gas available from Arkla. Southern states that despite aggressive gas acquisition efforts during the period of 1979 through 1981 following termination of liquefied natural gas deliveries from Algeria and notwithstanding its present excess deliverability, Southern's reserve life position remains relatively short; and it projects a sizeable and drastic deficiency in deliverability in the near term future from its existing sources of supplies necessary to meet its gas requirements. The Agreement, according to Southern, also represents a major source of low cost supply for Southern which would greatly aid Southern's ability to maintain and improve reliable service to its customers. In addition, Southern states that the vast majority of its supplies are produced in traditional supply areas of southern Louisiana, Texas and offshore Louisiana in the Gulf of Mexico. It is maintained that the gas supplies available from Arkla would, therefore, represent a major diversification of gas supply for Southern, reducing its dependence on traditional supply areas.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice

and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Southern to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16447 Filed 6-19-84; 8:45 am]

BILLING CODE 5717-01-M

[Docket No. ER84-427-000]

Tampa Electric Co.; Revised Filing

June 15, 1984.

The filing Company submits the following:

Take notice that Tampa Electric Company (Tampa) tendered for filing on May 8, 1984, and supplemented on May 30, 1984, revised cost support schedules showing a change in daily capacity charge for its scheduled interchange service provided under interchange service agreements with Florida Power Corporation, Florida Power & Light Company, Fort Pierce Utilities Authority, Jacksonville Electric Authority, Sebring Utilities Commission, Seminole Electric Cooperative, and the Cities of Gainesville, Kissimmee, Lakeland, St. Cloud, Tallahassee, and Vero Beach, Florida. Tampa states that the revised daily capacity charge is based on 1983 Form No. 1 data, and is derived by the same method that is shown in the cost support schedules submitted with the interchange agreements.

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

Copies of this filing have been served upon each of the above-named parties to interchange agreements with Tampa, as well as the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 29, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16448 Filed 6-19-84; 8:45 am]

BILLING CODE 5717-01-M

[Docket No. CP84-431-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Application

June 15, 1984.

Take notice that on May 21, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-431-000 an application, as supplemented May 31, 1984, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a transportation service for Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant would accept, receive, transport and deliver a transportation quantity of up to 60,000 Mcf of natural gas per day for Northern from a point of receipt at an existing point of interconnection between Northern and Applicant on Applicant's West Cameron Block 192 platform, offshore Louisiana. Applicant would return such gas for the account of Northern at the primary point(s) of delivery which would be (1) the point of interconnection of United Gas Pipe Line Company's (United) 18-inch line and Applicant's compressor station 47 near West Monroe, Ouachita Parish, Louisiana (West Monroe delivery point), or (2) Applicant's metering facilities near Chauncey, Hancock County, Mississippi (Kiln delivery point). The alternative point(s) of delivery by Applicant for the account of Northern would be (1) the point of interconnection between Applicant's 16-inch line and United's 20-inch line in Calcasieu Parish, Louisiana (Iowa delivery point), or (2) the point of interconnection of Applicant's Muskrat line and United's 30-inch line near Bayou Sale, St. Mary

Parish, Louisiana (Centerville delivery-point), or (3) the point of interconnection of Applicant's facilities and the facilities of Houston Pipe Line Company on Applicant's line in Newton County, Texas (Sabine delivery point), or (4) the point of interconnection on Applicant's 30-inch Kinder-Sabine pipeline near Beckwith Creek, Calcasieu Parish, Louisiana (Beckwith Creek delivery point), or (5) the point of interconnection between the pipeline facilities of Applicant and ANR Pipeline Company on Applicant's pipeline in Cameron Parish, Louisiana (Chalkley delivery point), or (6) the point of interconnection between the facilities of Applicant and Trunkline Gas Company in Jefferson Davis Parish, Louisiana (Kinder delivery point).

It is further stated that Applicant would transport the transportation quantity for Northern to either the West Monroe delivery point or the Kiln delivery point from each November 1 to March 31 and to the Kiln delivery point from each April 1 to October 31, or, at Applicant's option, to the alternative delivery point(s) during either time period.

It is additionally stated that, Applicant would accept the associated liquid hydrocarbons (exclusive of oil) produced with such transportation quantity and would transport and deliver such liquid hydrocarbons for the account of Northern's producers to onshore liquid separation facilities, provided Northern's producers would have made the necessary arrangements for separation, handling, storage of liquid hydrocarbons, gas dehydration and payment for such services with the owners of such onshore facilities. Pursuant to the transportation agreement, processing if any, would be at the Grand Chenier Plant, onshore Louisiana.

It is stated that Northern would pay Applicant a volume charge equal to the product of 17.26 cents¹ multiplied by the total volume in Mcf of gas received by Applicant from Northern during the month, less volumes retained by Applicant or fuel and use as follows: (1) 3.03 percent for the West Monroe delivery point, (2) 3.25 percent for the Kiln delivery point, and (3) 1.2 percent for the alternative point(s) of delivery. The minimum monthly bill would consist of the volume charge of 17.26 cents multiplied by the number of days in said month multiplied by 66% percent

¹ As permitted by the transportation agreement, rates have been revised from the rates stated in the agreement to reflect Applicant's current costs, it is indicated.

of the transportation quantity less the volume, if any, tendered by Northern and not taken by Tennessee, it is explained.

Additionally, Northern would pay Applicant a liquids transportation charge of 47.82 cents per barrel² for the transportation of liquids.

Applicant states that the proposed service would be beneficial to Northern in that it would provide Northern with a means of receiving an additional supply of natural gas without having to construct and operate additional facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or

be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16449 Filed 6-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-441-001]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Amendment to Application

June 15, 1984.

Take notice that on June 6, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, file in Docket No. CP84-441-001 an amendment to its pending application filed in Docket No. CP84-441-000 pursuant to sections 7(b) and 7(c) of the Natural Gas Act to correct in the pending application an error made in developing the proposed monthly demand rates for the proposed firm storage transportation service, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its application, Applicant proposed for the new firm FSST-E and T-24 storage transportation services a proposed monthly demand charge equal the product of the monthly demand rate of \$20.17 multiplied by the maximum daily volume (MDV) transported, and for the new firm FSST-NE storage transportation service a proposed monthly demand charge equal to the product of the monthly demand rate of \$22.29 multiplied by the MDV transported. Applicant proposes herein to change the calculation of the aforementioned proposed monthly demand charges by correcting the monthly demand rate for the proposed FSST-E and T-24 services from \$20.17 to \$24.50 and for the proposed FSST-NE service from \$22.29 to \$26.63. Accordingly, Applicant proposes to revise Exhibit P of its original application to reflect these corrected rates. Applicant states that the corrected rates necessitate changing only Pages 1, 2 and 4, and the *pro forma* copies of the proposed Rate Schedules FSST-E and FSST-NE which are included in Exhibit P.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 6, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR

385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16450 Filed 6-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-445-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Application

June 15, 1984.

Take notice that on May 25, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-445-000 an application, as supplemented June 11, 1984, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a new delivery point for its existing customer, Orange and Rockland Utilities, Inc. (O&R), all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant states that pursuant to O&R's request, it has agreed to establish under Applicant's gas sale contract with O&R and its CD-5 Rate Schedule, a new delivery point at Applicant's existing Mahwah sales meter station in Mahwah, New Jersey, which is an existing point of interconnection with Algonquin Gas Transmission Company. Applicant further states that the new delivery point would be restricted for use only with respect to interruptible deliveries of gas under its Rate Schedule R and that daily deliveries would be limited to 50,000 Mcf. No increase or decrease in total daily and/or annual volumes delivered to O&R is proposed by Applicant.

It is stated that the Mahwah delivery point would provide additional flexibility to O&R in the receipt of interruptible gas from Applicant. Applicant avers that at this time it is

² As permitted by the transportation agreement, this rate would be adjusted annually to be effective April 1 of each year by use of the GNP Implicit Price Deflator (or suitable replacement should such deflator be discontinued), it is indicated.

unable to state the extent of increased sales to O&R, if any, which would result from the establishment of the proposed delivery point. Applicant further avers that the proposed Mahwah delivery point is not prohibited by Applicant's currently effective CD-5 or R Rate Schedules and that it has sufficient capacity to accomplish the deliveries as proposed without detriment or disadvantage to any of Applicant's other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16453 Filed 6-19-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF84-340-000]

**Town of Clintwood, Virginia;
Application for Commission
Certification of Qualifying Status of a
Small Power Production Facility**

June 15, 1984.

On May 21, 1984, Town of Clintwood, Virginia (Applicant) Bernard Rakes, Mayor, P.O. Box 456, Clintwood, Virginia 24228 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 7 megawatt hydroelectric facility (P. 3475) will be built at the existing Flannagan Dam on the Pound River in Dickinson County, Virginia.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemptions from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16452 Filed 6-19-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF84-335-000]

**WindMaster Partners 1984-1;
Application for Commission
Certification of Qualifying Status of a
Small Power Production Facility**

June 15, 1984.

On May 21, 1984, WindMaster Partners 1984-1, (Applicant) of 660 J. Street, Suite 350, Sacramento, California 95814, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 10 megawatt windfarm will be located at Altamont Pass in Contra Costa County, California. It will consist of up to 50 units at 200 kilowatts each.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16454 Filed 6-19-84; 8:45 am]
BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION
AGENCY**

[PF-379; OPTS-FRL 2611-3]

**Pesticide Tolerance Petitions; Certain
Companies**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide petitions relating to the establishment and withdrawal of tolerances for certain pesticides chemicals in or on certain raw agricultural commodities.

ADDRESS: By mail, submit comments identified by the document control number [PF-379] and the petition

number, attention Product Manager (PM) named in each petition, at the following address: Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

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

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (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 filed in response to this notice will be available for public inspection in the Information Services Section office 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: Registration Division (TS-767C), Attn: (Product Manager (PM) named in each petition), Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, D.C. 20460.

In person: Contact the PM named in each petition at the following office location/telephone number:

PM-12—Jay Ellenberger, Rm. 202, CM#2 (703-557-2386), EPA, 1921 Jefferson Davis, Hwy, Arlington, VA 22202.

PM-16—William Miller, Rm. 211, CM#2 (703-557-2600), EPA, 1921 Jefferson Davis, Hwy, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has received pesticide (PP) and food additive (FAP) petitions relating to the establishment and withdrawal of tolerances for certain pesticide chemicals in or on certain raw agricultural commodities.

I. Initial Filing

PP 4F3081. Nor-Am Chemical Co., 3509 Silverside Rd., P.O. Box 7495, Wilmington, DE 19803. Proposes to amend 40 CFR 180.287 by establishing tolerances for the combined residues of the insecticide amitraz (*N*-(2,4-dimethylphenyl)-*N*-[[2-(4-dimethylphenyl)imino]methyl]-*N*-methylmethanimidamide) and its metabolites containing the 2,4-dimethylaniline moiety (calculated as

the parent compound) in or on the following commodities:

Commodities	Parts per million (ppm)
Hogs, fat, meat and meat byproducts (mbyp)....	0.05
Hogs, kidney, and liver.....	0.1

The proposed analytical method for determining residues is gas chromatography. (PM-12).

II. Petition Withdrawal

PP 4F2989, FAP 4H5417. EPA issued notices published in the *Federal Register* of February 8, 1984 (49 FR 4839), which announced that Mobay Chemical Corp., Agricultural Chemicals Div., P.O. Box

4913, Kansas City, MO 64120, had submitted pesticide petitions proposing to amend 40 CFR 180.387 (PP 4F2989) and 21 CFR Part 193 (FAP 4H5417) by establishing tolerances and/or regulation for the combined residues of the insecticide 1-methylethyl 2-[[ethoxy[(1-methylethyl)amino]phosphinothioyl]oxy] benzoate and its cholinesterase inhibiting metabolites 1-methylethyl 2-[[ethoxy[(1-methylethyl)amino]phosphinothioyl]oxy] benzoate, 1-methylethyl 2-[[ethoxy[(1-amino)phosphinothioyl]oxy] benzoate, and 1-methylethyl 2-[[ethoxy[(1-amino)phosphinothioyl]oxy] benzoate in or on the following commodities:

Petition ID	CFR affected	Commodities	Parts per million (ppm)
PP 4F2989	40 CFR 180.387	Potatoes	1.5
FAP 4H5417	21 CFR Part 193	Potatoes, chips, dried, and granules	5.0

Mobay Chemical Corp. has withdrawn these petitions without prejudice to future filing. (PM-16).

(Sec. 408(d)(2) 66 Stat. 512, (21 U.S.C. 346a(d)(2))

Dated: June 18, 1984.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84-16296 Filed 6-19-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-240046; PH-FRL 2607-3]

Pesticides; Special Local Need Registrations; Voluntary Cancellations

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice lists names of registrants requesting voluntary cancellation of section 24(c) registrations of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. The State registration for each of these products has already been cancelled by the issuing State. Distribution or sale of these products by the registrant, using the section 24(c) label, after the effective date of cancellation will be considered a violation of the FIFRA.

EFFECTIVE DATE: July 20, 1984.

ADDRESS: By mail submit comments to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs,

Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

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

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked "confidential" may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm 718C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2126).

SUPPLEMENTARY INFORMATION: The following registrants have requested that EPA voluntarily cancel section 24(c) registrations:

1. American Hoechst Corp., Agricultural Division, Route 202-206 North, Somerville, NJ 08876.

2. E. I. Du Pont De Nemours & Co.,
Agricultural Chemicals Dept.,
Wilmington, DE 19898.
3. General Control, Inc., 3334 East
Pennsylvania St., Tucson, AZ 85714.
4. Gowan Co., P.O. Box 5696, Yuma,
AZ 85364.
5. Gustafson, Inc., P.O. Box 660065,
Dallas, TX.
6. Merck Sharp & Dohme Research
Laboratories, P.O. Box 2000, Rahway, NJ
07065.
7. Mississippi Department of
Agriculture and Commerce, P.O. Box
1609, Jackson, MS 39205.

8. Monsanto Co., 1101 17th St. NW.,
Washington, D.C. 20036.
9. Nutrilite Products, Inc., 5600 Beach
Boulevard, P.O. Box 5940, Buena Park,
CA 90622.
10. Ortho Chevron Chemical Co., 940
Hensley St., Richmond, CA 94804.
11. Phillips Roxane, Inc., 2621 North
Belt Highway, St. Joseph, MO 64502.
12. Rhone-Poulenc, Inc., Agrochemical
Division, P.O. Box 125, Black Horse
Lane, Monmouth Junction, NJ 08852.

13. Riverside/Terra, P.O. Box 171376,
Memphis, TN 38117.
14. Shell Chemical Co., One Shell
Plaza, P.O. Box 4320, Houston, TX 77210.
15. Swingle Tree Co., 620 South Dahlia
St., Denver, CO 80222.
16. Union Carbide Agricultural
Products Co., Inc., P.O. Box 12014, T.W.
Alexander Drive, Research Triangle
Park, NC 27709.
The following section 24(c)
registrations have been voluntarily
cancelled:

Special local need registration No.	Product name	Registrant	Date registered
Alabama			
AL 77 0008	DuPont Lannate [®] Insecticide	E.I. DuPont de Nemours & Co.	7-19-77
AL 77 0009	DuPont Lannate [®] L Insecticide	E.I. DuPont de Nemours & Co.	7-19-77
AL 78 0005	Roundup	Monsanto Co.	4-10-78
AL 78 0011	DuPont Vydate [®] L Insecticide/Nematicide	E.I. DuPont de Nemours & Co.	10-02-78
AL 79 0011	Nudrin [®] 90 Methomyl Insecticide Water Soluble Powder	Shell Chemical	5-26-79
AL 79 0012	Nudrin [®] 1.8 Insecticide Solution	Shell Chemical	5-26-79
AL 79 0014	Bladex 4L Herbicide	Shell Chemical	7-05-78
AL 80 0006	Vitavax-EVS Concentrate	Gustafson, Inc.	3-25-80
AL 80 0007	Gustafson 42-S Thiram Fungicide and Repellent	Gustafson, Inc.	3-25-80
AL 80 0008	Gustafson Botran-30C	Gustafson, Inc.	3-25-80
AL 81 0012	DuPont Manzate [®] 200 Insecticide	E.I. DuPont de Nemours & Co.	4-15-81
AL 81 0019	Nudrin [®] 90 Methomyl Insecticide Water Soluble Powder	Shell Chemical	5-04-81
AL 81 0020	Nudrin [®] 1.8 Methomyl Insecticide Solution	Shell Chemical	5-04-81
Arizona			
AZ 77 0011	DuPont Lannate [®] Insecticide	E.I. DuPont de Nemours & Co.	5-12-77
AZ 77 0012	DuPont Lannate [®] L Insecticide	E.I. DuPont de Nemours & Co.	5-12-77
AZ 77 0013	DuPont Lannate [®] Insecticide	E.I. DuPont de Nemours & Co.	5-12-77
AZ 77 0014	DuPont Lannate [®] L Insecticide	E.I. DuPont de Nemours & Co.	5-12-77
AZ 77 0016	Shell Nudrin 90 Methomyl Insecticide	Shell Chemical	5-06-77
AZ 77 0019	Orthene 75 S Soluble Powder	Ortho Chevron	7-06-77
AZ 77 0021	Prokil Kelthane 4 Dust	Gowan Co.	8-19-77
AZ 77 0025	Orthene 75 S Soluble Powder	Ortho Chevron	8-17-77
AZ 77 0028	Nudrin 1.8 Insecticide Solution	Shell Chemical	10-17-77
AZ 77 0029	Nudrin 90 Methomyl Insecticide	Shell Chemical	10-17-77
AZ 78 0019	Ortho Paraquat CL	Ortho Chevron	7-10-78
AZ 78 0021	DuPont Lannate [®] L Insecticide	E.I. DuPont de Nemours & Co.	7-10-78
AZ 78 0022	DuPont Lannate [®] Insecticide	E.I. DuPont de Nemours & Co.	7-10-78
AZ 78 0025	Orthene Forest Spray	Ortho Chevron	7-10-78
AZ 79 0002	Nudrin [®] 1.8 Methomyl Insecticide Solution	Shell Chemical	2-26-79
AZ 79 0003	Nudrin [®] 90 Methomyl Insecticide Water Soluble Powder	Shell Chemical	2-26-79
AZ 79 0014	Bladex [®] 80W Herbicide	Shell Chemical	6-13-79
AZ 79 0019	Nudrin [®] 90 Methomyl Insecticide Water Soluble Powder	Shell Chemical	6-13-79
AZ 79 0023	Nudrin [®] 1.8 Methomyl Insecticide Solution	Shell Chemical	6-13-79
AZ 80 0004	Control Doomsday II	General Control Co.	1-12-78
AZ 80 0005	Control Doomsday II	General Control Co.	1-12-78
AZ 80 0007	Pydrin [®] Insecticide 2.4 Emulsible	Shell Chemical	5-27-80
Arkansas			
AR 76 0004	Orthene 75 S Soluble Powder	Ortho Chevron	6-4-76
AR 77 0009	Shell Bladex [®] 80 Wettable Powder Herbicide	Shell Chemical	6-1-77
AR 77 0010	Shell Bladex [®] 4 Water Dispersible Suspension Herbicide	Shell Chemical	6-1-77
AR 77 0012	Roundup [®]	Monsanto Co.	6-27-77
AR 78 0003	Nudrin [®] 90 Methomyl Insecticide	Shell Chemical	3-7-78
AR 78 0016	DuPont Velpar [®] Weed Killer	E.I. DuPont de Nemours & Co.	3-23-78
AR 78 0022	Nudrin [®] 90 Methomyl Insecticide	Shell Chemical	7-18-78
AR 78 0023	Nudrin [®] 1.8 Insecticide Solution	Shell Chemical	7-18-78
AR 79 0001	Rabon [®] Insecticide Cattle Ear Tag	Shell Chemical	2-2-79
AR 79 0013	Bladex [®] 4L Herbicide	Shell Chemical	4-26-79
AR 81 0018	Bladex [®] 4L Herbicide	Shell Chemical	4-6-81
AR 81 0019	Bladex [®] 80W Herbicide	Shell Chemical	4-6-81
AR 81 0039	Pydrin [®] Insecticide 2.4 Emulsible Concentrate	Shell Chemical	6-15-81
California			
CA 76 0002	Vendex [®] Miticide	Shell Chemical	1-8-76
CA 76 0007	Butoxone Amine	Rhone-Poulenc, Inc.	1-21-76
CA 76 0021	DuPont Benlate [®] Fungicide Plus Captain Fungicide 50-W	E.I. DuPont de Nemours & Co.	2-17-77
CA 77 0298	Orthene 75 S Soluble Powder	Ortho Chevron	7-11-77
CA 77 0421	Biotrol XK Wettable Powder	Nutrilite Products, Inc.	9-1-77
CA 77 0534	Nudrin [®] 90 Methomyl Insecticide Water Soluble Powder	Shell Chemical	11-30-77
CA 77 0536	Nudrin [®] 1.8 Methomyl Insecticide Solution	Shell Chemical	12-7-77
CA 78 0152	Nudrin [®] 1.8 Methomyl Insecticide Solution	Shell Chemical	7-11-78
CA 78 0153	Nudrin [®] 90 Methomyl Insecticide Water Soluble Powder	Shell Chemical	7-11-78
CA 78 0170	Nudrin [®] 1.8 Methomyl Insecticide Solution	Shell Chemical	7-28-78

Special local need registration No.	Product name	Registrant	Date registered
CA 79 0050	Nudrin* 1.8 Methomyl Insecticide Solution	Shell Chemical	4-12-79
CA 79 0051	Nudrin* 90 Methomyl Insecticide Water Soluble Solution	Shell Chemical	4-12-79
CA 79 0141	DuPont* Vydate* L Insecticide/Nematicide	E. I. DuPont de Nemours & Co.	6-14-79
CA 79 0147	Bladex* 80W Herbicide	Shell Chemical	6-21-79
CA 79 0230	Orthene* 75 S Soluble Powder	Ortho Chevron	10-18-79
CA 79 0236	Orthocid Botran 10-5 Dust	Ortho Chevron	10-25-79
CA 80 0120	Ortho Pictran Wettable Powder	Ortho Chevron	8-07-80
CA 80 0139	Nudrin* 1.8 Methomyl Insecticide Solution	Shell Chemical	9-30-80
CA 80 0140	Nudrin* 90 Methomyl Insecticide Water Soluble Powder	Shell Chemical	9-30-80
CA 80 0141	Nudrin* 1.8 Methomyl Insecticide Solution	Shell Chemical	9-30-80
CA 80 0142	Nudrin* 90 Methomyl Insecticide Water Soluble Powder	Shell Chemical	9-30-80
CA 82 0032	Pydrin* Insecticide 2.4 Emulsible Concentrate	Shell Chemical	5-17-82
CA 83 0039	Pydrin* Insecticide 2.4 Emulsible Concentrate	Shell Chemical	5-27-83
Colorado			
CO 78 0001	Orthene Tree and Ornamental Spray	Swingle Tree Co.	1-26-78
CO 78 0027	Bladex* 80W Herbicide	Shell Chemical	10-19-78
CO 79 0010	Orthene Tree and Ornamental Spray	Ortho Chevron	4-20-79
CO 80 0004	Roundup*	Monsanto Co.	3-04-80
Connecticut			
CT 82 0002	Bladex* 80W Herbicide	Shell Chemical	3-12-82
CT 82 0003	Bladex* 4L Herbicide	Shell Chemical	3-12-82
Delaware			
DE 77 0005	Lasso* EC	Monsanto Co.	6-14-77
DE 78 0004	Modown 80% Wettable Powder	Rhone-Poulenc, Inc.	4-26-78
DE 78 0005	Roundup*	Monsanto Co.	4-28-78
DE 78 0007	Lasso* EC Herbicide	Monsanto Co.	5-01-78
DE 78 0008	Mocap Nematicide-Insecticide 10% Granular	Rhone-Poulenc, Inc.	5-02-78
DE 78 0009	Nudrin* 90 Methomyl Insecticide Water Soluble Powder	Shell Chemical	5-9-78
DE 78 0022	DuPont Vydate* L Insecticide/Nematicide	E. I. DuPont de Nemours & Co.	7-20-78
DE 81 0004	Bladex* 80W Herbicide	Shell Chemical	1-20-81
DE 81 0005	Bladex* 4L Herbicide	Shell Chemical	1-20-81
Florida			
FL 77 0009	Mocap PCNB	Rhone-Poulenc, Inc.	3-21-77
FL 77 0010	Amiben Chloramben Herbicide	Union Carbide	3-31-77
FL 77 0031	Nudrin* 90 Methomyl Insecticide Water Soluble Powder	Shell Chemical	9-27-77
FL 78 0040	Atrazine 4L Herbicide	Shell Chemical	8-7-78
FL 79 0005	Rabon* Insecticide Cattle Ear Tag	Shell Chemical	2-27-79
FL 80 0045	Vendax* 4L Miticide	Shell Chemical	12-10-80
Georgia			
GA 78 0004	Amiben Chloramben Herbicide	Union Carbide	5-21-78
GA 77 0003	Bladex* 80 W.P. Herbicide	Shell Chemical	4-28-77
GA 77 0009	Modown 80% W.P.	Rhone-Poulenc, Inc.	6-29-77
GA 77 0010	Modown E.C.	Rhone-Poulenc, Inc.	6-29-77
GA 78 0007	Nudrin* 90 Methomyl Insecticide	Shell Chemical	2-1-78
GA 78 0018	Mocap Nematicide-Insecticide 10% Granular	Rhone-Poulenc, Inc.	4-17-78
GA 78 0021	Nudrin* 1.8 Insecticide Solution	Shell Chemical	5-23-78
GA 78 0022	Nudrin* 90 Methomyl Insecticide W.S.	Shell Chemical	5-23-78
GA 78 0028	Nudrin* 1.8 Insecticide Solution	Shell Chemical	8-28-78
GA 78 0029	Nudrin* 80 WSP	Shell Chemical	8-28-78
GA 79 0005	Rabon* Ear Tag	Shell Chemical	2-6-79
GA 79 0008	DuPont Velpar* Brush Killer	E. I. DuPont de Nemours & Co.	2-20-79
GA 79 0010	Amiben Chloramben Herbicide	Union Carbide	3-22-79
GA 80 0003	Botran 30F	Gustafson	1-17-80
GA 81 0034	Pydrin*	Shell Chemical	8-07-81
GA 82 0006	Orthene Tobacco Insect Spray	Ortho Chevron	3-02-82
GA 82 0018	Hoelon 3 EC Herbicide	American Hoechst Corp.	8-10-82
Hawaii			
HI 78 0009	Nudrin* 90 Methomyl Insecticide Water Soluble Powder	Shell Chemical	10-05-78
HI 79 0010	Atrazine 80W Herbicide	Shell Chemical	10-11-79
HI 80 0002	Nudrin* 90 Methomyl Insecticide Water Soluble Powder	Shell Chemical	5-21-80
HI 80 0003	Nudrin* 1.8 Methomyl Insecticide Solution	Shell Chemical	5-21-80
Idaho			
ID 77 0018	Asulux	Rhone-Poulenc, Inc.	5-25-77
ID 78 0004	Ortho Paraquat CL	Ortho Chevron	3-21-78
ID 79 0022	Bladex* 80W Herbicide	Shell Chemical	8-31-79
ID 80 0002	Crop King Colloidal Lindane 40%	Gustafson, Inc.	1-24-80
ID 80 0057	Orthene 75 S Soluble Powder	Ortho Chevron	12-12-80
ID 81 0018	Orthene 75 S Soluble Powder	Ortho Chevron	4-23-81
Illinois			
IL 77 0001	Amiben Chloramben Herbicide	Union Carbide	4-12-77
IL 77 0002	DuPont Lannate*	E. I. DuPont de Nemours & Co.	5-31-77
IL 77 0003	L Insecticide	E. I. DuPont de Nemours & Co.	5-31-77
IL 77 0008	Roundup*	Monsanto Co.	11-17-77
IL 78 0006	Lasso*	Monsanto Co.	4-27-78

Special local need registration No.	Product name	Registrant	Date registered
IL 79 0002	Ortho Methoxychlor 2 Emulsive	Ortho Chevron	3-14-79
IL 80 0005	Orthene 75 S Soluble Powder	Ortho Chevron	6-01-80
IL 81 0001	Bladex* 4L Herbicide	Shell Chemical	12-26-80
IL 81 0002	Bladex* 80W Herbicide	Shell Chemical	12-26-80
IL 82 0006	Bladex* 80W Herbicide	Shell Chemical	5-25-82
IL 82 0007	Bladex* 4L Herbicide	Shell Chemical	5-25-82
IL 83 0007	Bladex* 4L Herbicide	Shell Chemical	3-22-83
IL 83 0008	Bladex* 80W Herbicide	Shell Chemical	3-22-83
Indiana			
IN 78 0003	Roundup*	Monsanto Co.	1-23-78
ID 79 0006	Bladex* 4L Herbicide	Shell Chemical	4-25-79
IN 79 0007	Bladex* 80W Herbicide	Shell Chemical	4-25-79
ID 79 0008	Ortho Methoxychlor 2 Emulsive	Ortho Chevron	6-27-79
ID 80 0013	Lasso* & Atrazine & Bladex Tank Mixture	Monsanto Co.	9-15-80
Iowa			
IA 77 0005	Roundup*	Monsanto Co.	12-1-77
IA 79 0001	Rabon* Insecticide Cattle Ear Tag	Shell Chemical	2-14-79
IA 79 0002	Bladex* 4L Herbicide	Shell Chemical	4-24-79
IA 79 0006	Bladex* 80W Herbicide	Shell Chemical	4-26-79
IA 80 0001	DuPont Vydate* Insecticide-Nematicide	E.I. DuPont de Nemours & Co.	3-31-80
IA 83 0003	Bladex* 80W Herbicide	Shell Chemical	2-25-83
IA 83 0004	Bladex* 4L Herbicide	Shell Chemical	2-25-83
Kansas			
KS 77 0008	Roundup*	Monsanto Co.	11-8-77
KS 78 0022	Bladex* 80 Herbicide	Shell Chemical	10-2-78
KS 79 0004	Modown 4F	Rhone-Poulenc, Inc.	3-26-79
KS 80 0003	Roundup*	Monsanto Co.	2-25-80
KS 81 0014	Bladex* 80W Herbicide	Shell Chemical	3-16-81
KS 81 0034	Bladex* 4L Herbicide	Shell Chemical	12-18-81
KS 81 0035	Bladex* 80W Herbicide	Shell Chemical	12-18-81
KS 82 0008	Hoelon 3EC Herbicide	American Hoechst Corp.	5-24-82
Kentucky			
KY 78 0011	Modown EC and 80% WP	Rhone-Poulenc, Inc.	3-29-78
KY 78 0014	DuPont Krenite* Brush Control Agent	E.I. DuPont de Nemours & Co.	6-22-78
KY 79 0003	Bladex* 80 Herbicide	Shell Chemical	4-18-79
KY 79 0004	Bladex* 4L Herbicide	Shell Chemical	4-18-79
KY 81 0007	Bladex* 80W Herbicide	Shell Chemical	10-7-81
KY 81 0009	Bladex* 4L Herbicide	Shell Chemical	10-7-81
Louisiana			
LA 76 0002	Fenac Plus	Union Carbide	6-28-76
LA 77 0008	Roundup*	Monsanto Co.	6-20-77
LA 78 0010	Ronstar	Rhone-Poulenc, Inc.	3-21-78
LA 78 0018	Nurdrin* 90 Methomyl Insecticide	Shell Chemical	7-7-78
LA 78 0019	DuPont Lannate* L Insecticide	E. I. DuPont de Nemours & Co.	7-7-78
LA 78 0020	Nurdrin* 1.8 Insecticide	Shell Chemical	7-1-78
LA 78 0021	DuPont Lannate* Insecticide	E. I. DuPont de Nemours & Co.	7-19-78
LA 78 0022	Nurdrin* 90	Shell Chemical	7-24-78
LA 78 0023	Sodium Chlorate	Riverside/Terra	8-1-78
LA 78 0028	Modown EC	Rhone-Poulenc, Inc.	10-19-78
LA 78 0030	Modown 4 FL	Rhone-Poulenc, Inc.	12-20-78
LA 79 0008	DuPont Velpar* Gridball* Brush Killer	E. I. DuPont de Nemours & Co.	3-13-79
LA 79 0015	Ortho Difolathen 4 Flowable	Ortho Chevron	5-29-79
LA 80 0001	DuPont Lannate* Insecticide	E. I. DuPont de Nemours & Co.	1-29-80
LA 80 0006	DuPont Velpar* Gridball* Brush Killer	E. I. DuPont de Nemours & Co.	3-17-80
LA 80 0024	Vendex* 50 WP Miticide	Shell Chemical	7-23-80
LA 80 0030	Nurdrin* 1.8 Methomyl Insecticide Solution	Shell Chemical	12-24-80
LA 80 0031	Nurdrin* 90 Methomyl Insecticide	Shell Chemical	12-24-80
LA 81 0004	Modown 4L	Rhone-Poulenc, Inc.	3-10-81
LA 81 0027	Pydrin* 2.4 Emulsifiable	Shell Chemical	6-30-81
LA 82 0030	Roundup*	Monsanto Co.	7-28-82
LA 82 0033	Hoelon 3EC Herbicide	American Hoechst Corp.	9-10-82
Massachusetts			
MA 80 0002	Vydate* L Insecticide/Nematicide	E. I. DuPont de Nemours & Co.	2-22-80
Maryland			
MD 77 0004	Lasso* EC Herbicide	Monsanto Co.	6-9-77
MD 78 0002	Mocap 10G	Rhone-Poulenc, Inc.	5-22-78
MD 78 0003	Mocap 10G	Rhone-Poulenc, Inc.	5-22-78
MD 78 0005	Roundup*	Monsanto Co.	6-6-78
MD 78 0012	Modown Herbicide 80 WP	Rhone-Poulenc, Inc.	6-30-78
MD 81 0001	Bladex* 4L Herbicide	Shell Chemical	1-19-81
MD 81 0002	Bladex* 80W Herbicide	Shell Chemical	9-14-81
MD 81 0009	Ortho Paraquat	Ortho Chevron	6-8-81
Michigan			
MI 76 0005	Lasso* EC	Monsanto Co.	2-01-77
MI 76 0006	Lasso* EC	Monsanto Co.	2-01-77
MI 77 0005	DuPont Lannate* L Insecticide	E.I. DuPont de Nemours & Co.	3-10-77
MI 77 0006	DuPont Lannate* L Insecticide	E.I. DuPont de Nemours & Co.	3-10-77

Special local registration No.	Product name	Registrant	Date registered
MI 77 0021	Roundup®	Monsanto Co.	12-21-77
MI 78 0006	DuPont Lannate® Insecticide	E.I. DuPont de Nemours & Co.	5-18-78
MI 79 0005	DuPont Vydate® L Insecticide-Nematicide	E.I. DuPont de Nemours & Co.	2-14-79
MI 79 0023	Lasso® Herbicide	Monsanto Co.	6-19-79
MI 79 0024	Orthene 75 S Soluble Powder	Ortho Chevron	7-20-79
MI 79 0027	Ortho Paraquat CL	Ortho Chevron	9-21-79
MI 79 0030	Bladex® 4L Herbicide	Shell Chemical	12-11-79
MI 79 0031	Bladex® 80W Herbicide	Shell Chemical	12-11-79
MI 80 0002	Orthoicide Plus	Ortho Chevron	2-06-80
MI 80 0020	DuPont Lannate® Insecticide	E.I. DuPont de Nemours & Co.	6-06-80
MI 80 0022	Vendex® HL	Shell Chemical	11-10-80
MI 80 0024	DuPont Velpar® Gridball® Brush Killer	E.I. DuPont de Nemours & Co.	8-13-80
MI 81 0013	DuPont Vydate® L Insecticide/Nematicide	E.I. DuPont de Nemours & Co.	4-30-81
MI 83 0013	Pydrin® Insecticide 2.4 Emulsible Concentrate	Shell Chemical	7-13-83
Minnesota			
MN 77 0012	Roundup®	Monsanto Co.	12-02-77
MN 78 0002	Amiben Chloremben Herbicide	Union Carbide	4-19-79
MN 79 0017	Ortho Methoxychlor 2 Emulsive	Ortho Chevron	10-09-79
MN 80 0002	Ramrod® Flowable	Monsanto Co.	1-17-80
MN 80 0003	Far-Go®	Monsanto Co.	2-21-80
MN 80 0011	DuPont Vydate® L Insecticide/Nematicide	E.I. DuPont de Nemours & Co.	5-08-80
MN 80 0012	ME-147 Fungicide	Merck Sharp & Dohme	5-28-80
MN 81 0011	Buctril	Rhone-Poulenc, Inc.	4-17-81
MN 81 0012	DuPont Benlate Fungicide	E.I. DuPont de Nemours & Co.	4-17-81
MN 81 0020	Granular Far-Go®	Monsanto	12-09-81
Mississippi			
MS 76 0001	Bladex® 80 WP	Shell Chemical	3-19-76
MS 76 0002	Orthene 75 S Soluble Powder	Ortho Chevron	5-24-76
MS 77 0005	Bladex® 4 Water Dispersible Suspension Herbicide	Shell Chemical	5-13-77
MS 77 0006	Bladex® 80 WP	Shell Chemical	5-13-77
MS 77 0008	Roundup®	Monsanto Co.	6-22-77
MS 77 0017	Nudrin® 90 Methomyl Insecticide	Shell Chemical	9-08-77
MS 78 0015	Nudrin® 1.8 Insecticide	Shell Chemical	5-31-78
MS 78 0016	Nudrin 90® Methomyl Insecticide	Shell Chemical	5-31-78
MS 78 0034	Modown Herbicide 4FL	Rhone-Poulenc, Inc.	1-22-79
MS 79 0001	Modown Herbicide 4FL	Rhone-Poulenc, Inc.	1-22-79
MS 79 0010	Bladex® 4 Water Dispersible Suspension Herbicide	Shell Chemical	5-2-79
MS 79 0022	Orthene 75 S Soluble Powder	Ortho Chevron	7-23-79
MS 80 0005	Amdro Fire Ant Insecticide	Mississippi Dept. of Agriculture & Commerce, Miss. Authority for Control of Fire Ants.	10-14-80
MS 80 0043	Pydrin® Insecticide 2.4 EC	Shell Chemical	7-1-80
MS 80 0050	Nudrin® 90 Methomyl Insecticide Water Soluble Powder	Shell Chemical	11-18-80
MS 80 0057	Nudrin® 1.8 Methomyl Insecticide Solution	Shell Chemical	11-18-80
MS 81 0003	Bladex® 80W Herbicide	Shell Chemical	1-29-81
MS 81 0004	Bladex® 4L Herbicide	Shell Chemical	1-29-81
MS 81 0040	Pydrin® Insecticide 2.4 EC	Shell Chemical	5-26-81
MS 81 0048	Dow Lorsban 50-FL Wettable Powder	Gustafson, Inc.	7-1-83
Missouri			
MO 78 0004	Roundup®	Monsanto Co.	1-9-78
MO 78 0017	Flowable Ramrod & Atrazine	Monsanto Co.	9-27-78
MO 78 0018	Methoxychlor 50 Seed Protectant	Gustafson	10-2-78
MO 79 0001	Rabon Insecticide Cattle Ear Tag	Shell Chemical	1-16-79
MO 79 0009	Ramrod® & Atrazine Flowable	Monsanto Co.	10-31-79
MO 79 0010	Ramrod® Flowable	Monsanto Co.	10-31-79
MO 80 0001	Bladex® 80 WP	Shell Chemical	1-4-80
MO 80 0002	Bladex® 4 Water Dispersible	Shell Chemical	1-4-80
MO 80 0015	DuPont Lannate® Insecticide	E.I. DuPont de Nemours & Co.	5-5-80
MO 80 0016	DuPont Lannate® L Insecticide	E.I. DuPont de Nemours & Co.	5-5-80
MO 80 0019	Anchor Permethrin 10% EC	Phillips Roxane, Inc.	5-29-80
MO 81 0002	Bio-Ceutic Overtime	Phillips Roxane, Inc.	2-26-81
MO 81 0010	Lasso®	Monsanto Co.	3-30-81
MO 81 0025	DuPont Velpar® Gridball® 10C Brush Killer	E.I. DuPont de Nemours & Co.	6-22-81
MO 81 0026	Insectaban 10	Phillips Roxane, Inc.	7-15-81
MO 82 0003	Golden Sun Fly-Ban	Phillips Roxane, Inc.	2-1-82
MO 82 0018	Anchor Permethrin 25% WP	Phillips Roxane, Inc.	8-2-82
MO 82 0019	Bio-Ceutic Overtime 25% WP	Phillips Roxane, Inc.	8-2-82

Cancellation of these section 24(c) registrations shall be effective July 20, 1984. Any sale or distribution by the registrant of the product bearing the section 24(c) label after this date will violate FIFRA section 12(a)(2)(K). EPA will not consider it a violation of FIFRA for distributors other than the registrant to sell or distribute existing stocks of any of these cancelled products bearing the section 24(c) label. It should be

noted, however, that such sale or distribution may not be permitted by applicable State law.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP 240046]" and the specific section 24(c) registration number. Any comments filed regarding this notice will be available for public inspection in Rm. 236, CM #2, at the above address from 9

a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

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

Dated: June 1, 1984.

Susan H. Sherman,
Acting Director, Office of Pesticide Programs.

[FR Doc. 84-15984 Filed 6-19-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-240049; PH-FRL 2607-4]

Pesticides; Special Local Need Registrations; Voluntary Cancellations**AGENCY:** Environmental Protection Agency.**ACTION:** Notice.

SUMMARY: This notice lists names of registrants requesting voluntary cancellation of section 24(c) registrations of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. The State registration for each of these products has already been cancelled by the issuing State. Distribution or sale of these products by the registrant, using the section 24(c) label, after the effective date of cancellation will be considered a violation of the FIFRA.

EFFECTIVE DATE: July 20, 1984.

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

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

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI).

Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record.

Information not marked "confidential" may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 718C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2126).

SUPPLEMENTARY INFORMATION: The following registrants have requested that EPA voluntarily cancel section 24(c) registrations:

1. Davis County Mosquito Abatement District, 85 No. 600 W., Kaysville, UT 84037.
2. FMC Corp., Agricultural Chemical Group, 2000 Market St., Philadelphia, PA 19103.
3. J.R. Simplot Co., 16777 South Howland Ave., P.O. Box 198, Lathrop, CA 95330.
4. Siemer & Associates, Inc., 4672 W. Jennifer, Suite 103, Fresno, CA 93711.

5. Tennessee Chemical Co., 3475 Lenox Rd., NE., Suite 670, Atlanta, GA 30326.

6. Texize Division, Morton Thiokol, Inc., P.O. Box 368, Greeneville, South Carolina 29602.

7. Tobacco States Chemical Co., Inc., Regulatory Affairs, P.O. Box 12530, Lexington, KY.

8. Thompson-Hayward Chemical Co., Registration Coordinator, P.O. Box 2383, Kansas City, KS 66110.

9. Uniroyal Chemical, Registration Section, Research and Development, 74 Amity Rd., Bethany, CT 06525.

10. Union Carbide Agricultural Products Co., Inc., P.O. Box 12014, T.W. Alexander Drive, Research Triangle Park, NC 27709.

11. USS Agri-Chemicals, 233 Peachtree St., NE., P.O. Box 1685, Atlanta, GA 30301.

12. Velsicol Chemical Corp., World Headquarters, 341 East Ohio St., Chicago IL 60611.

13. VRE Registrar, P.O. Box 1086, Walla Walla, WA 99362.

14. Virginia Dept. of Health, Bedding and Upholstered Furniture Inspection, 5001 Building, 3rd Floor, 5001 W. Broad St., Richmond, VA 23230.

15. Wilbur Ellis Co., Agricultural Services, Regulatory Affairs, 191 West Shaw Ave., Suite 107, Fresno, CA 93704-2876.

The following section 24(c) registrations have been voluntarily cancelled:

Special local need registration No.	Product name	Registrant	Date registered
Alabama			
AL 77 0005	Amiben Chloramben Herbicide	Union Carbide	3-30-77
AL 78 0009	PCO Lindane E-1 Insecticide	Thompson-Hayward Chem. Co.	3-11-78
AL 79 0010	Amiben Chloramben Herbicide	Union Carbide	4-25-79
AL 81 0034	Pounce 3.2 EC	FMC	12-28-81
Arizona			
AZ 77 0001	Citicip 4E Emulsifiable Liquid Copper Fungicide	Tennessee Chem. Co.	1-14-77
AZ 77 0002	Ortho Paraquat CL	Wilbur-Ellis Co.	1-14-77
AZ 77 0003	Furadan 4 Flowable	FMC Corp.	4-27-77
AZ 77 0009	Furadan 4 Flowable	FMC Corp.	4-27-77
AZ 77 0015	Snow Crystal Copper Sulfate	Tennessee Chem. Co.	5-12-77
AZ 77 0022	Sevin 5 GR	FMC Corp.	8-26-77
AZ 78 0002	Coccs 50V	FMC Corp.	2-06-78
AZ 78 0004	Dimethoate 267	FMC Corp.	3-06-78
AZ 79 0018	Temik 15 G	Union Carbide	6-21-79
AZ 80 0033	Malathion 4 Dust	Wilbur-Ellis Co.	10-03-80
Arkansas			
AR 77 0002	Citicip 4E Emulsifiable Liquid Copper Fungicide	Tennessee Chem. Co.	2-14-77
AR 77 0014	Oxy Leafex 3	J.R. Simplot Co.	7-12-77
AR 77 0015	Oxy Leafex 3	J.R. Simplot Co.	7-12-77
AR 78 0006	Vitavax-200 Flowable Fungicide	Uniroyal	3-07-78
AR 81 0056	Freestyle Calcium Hypochloride Granular 65 percent	Thompson-Hayward Chem. Co.	11-12-81
California			
CA 76 0011	Dipel 1 Dust	FMC Corp.	2-02-76
CA 76 0012	Sevin 10 Dust	FMC Corp.	2-02-76
CA 76 0015	Diazinon 5 Granular	FMC Corp.	2-11-76
CA 76 0018	Moyer Vegetaphos 4	Seimer & Assoc.	8-24-76
CA 77 0018	Pyrenone Crop Spray	FMC Corp.	2-10-77
CA 77 0019	Pyrenone Crop Spray	FMC Corp.	2-22-77

Special local need registration No.	Product name	Registrant	Date registered
CA 77 0084	Black Leaf 40 [5887-7] Volck Supreme Oil Spray [239-2039] Tank Mix	FMC Corp	4-15-77
CA 77 0318	Sevimol 4	Union Carbide	8-04-77
CA 78 0038	Temik 15G	Union Carbide	3-04-78
CA 78 0124	Vitavax-200 Flowable Fungicide	Uniroyal	6-07-78
Colorado			
CO 77 0006	Citicox 4E Emulsifiable Liquid Copper Sulfate	Tennessee Chem. Co.	7-06-77
CO 78 0009	Vitavax-25DB Fungicide	Uniroyal	2-02-78
CO 80 0006	Vitavax-200 Flowable	Uniroyal	5-06-80
Delaware			
DE 78 0002	Vitavax-200 Flowable Fungicide	Uniroyal	4-20-78
DE 78 0013	Furadan 10 G	FMC Corp	5-10-78
Georgia			
GA 78 0005	Vitavax-200 Flowable Fungicide	Uniroyal	1-25-78
GA 78 0025	PCO Lindane E-1	Thompson-Hayward Chem. Co.	8-01-78
GA 79 0017	Meta Systox-R Spray Conc.	FMC Corp	5-05-79
GA 81 0032	Pounce 3.2 EC	FMC Corp	8-06-81
Florida			
FL 77 0040	Alar 85A Plant Growth Regulator	Uniroyal	10-17-77
FL 78 0015	Temik 15G	Union Carbide	3-23-78
Idaho			
ID 77 0008	Sevimol 4	Union Carbide	4-05-77
ID 78 0003	Sevimol 4	Union Carbide	2-01-78
Illinois			
IL 77 0006	Sevin 80S	Union Carbide	9-21-77
IL 77 0007	Sevimol 4	Union Carbide	9-21-77
IL 77 0008	Sevin 80 S	Union Carbide	9-09-77
IL 77 0009	Vitavax-200 Flowable Fungicide	Uniroyal	11-23-77
IL 78 0008	Citicox-4E	Tennessee Chem. Co.	8-03-78
IL 78 0011	Vitavax 25 DB	Uniroyal	8-31-78
IL 82 0002	Furadan 4 Flowable	FMC Corp	1-04-82
IL 82 0012	Furadan 4 Flowable	FMC Corp	7-12-82
Indiana			
IN 77 0004	Vitavax-200 Flowable Fungicide	Uniroyal	5-02-77
IN 77 0009	Sevimol 4	Union Carbide	8-01-77
IN 77 0010	Sevin 80 S	Union Carbide	8-01-77
IN 78 0004	Vitavax-25 D13	Uniroyal	1-23-78
IN 78 0011	Furadan 10 G	FMC Corp	6-14-78
IN 80 0005	Furadan 4 Flowable	FMC Corp	4-30-80
IN 81 0021	Barvel Herbicide/BCS	Velsicol Chem. Corp	5-28-81
IN 82 0006	PCO Lindane E-1	Thompson-Hayward Chem. Co.	3-17-82
Iowa			
IA 80 0002	Amiben Chloramben Herbicide	Union Carbide	5-01-80
Kansas			
KS 77 0006	Comite-Cygon Tank Mix	Uniroyal	8-02-77
KS 77 0007	Sevin 80S	Union Carbide	7-27-77
KS 77 0010	Vitavax-25 DB Fungicide	Uniroyal	12-09-77
Kentucky			
KY 77 0003	Tobacco States Brand 20% Lindane Transplanter Solution	Tobacco States Chem. Co.	12-02-77
KY 78 0001	Vitavax-25 D3 Fungicide	Uniroyal	2-08-78
KY 78 0005	Furadan 4 Flowable	FMC Corp	2-08-78
KY 78 0016	Furadan 4 Flowable	FMC Corp	6-23-78
Louisiana			
LA 78 0003	Weedmaster Herbicide	Velsicol Chem. Corp	6-08-76
LA 77 0009	Oxy Leafex 3	J.R. Simplot Co.	7-22-77
LA 77 0011	Oxy Leafex 3	J.R. Simplot Co.	8-25-77
LA 78 0002	Vitavax-200 Flowable Fungicide	Uniroyal	12-20-78
LA 78 0017	Alanap-3	Uniroyal	8-14-78
LA 78 0026	PCO Lindane G-1	Thompson-Hayward Chem. Co.	10-12-78
LA 79 0010	Vegatrol A-4D	Velsicol Chem. Corp	4-20-79
LA 81 0028	Pounce 3.2 EC	FMC Corp	6-30-81
LA 81 0035	Barvel 720	Velsicol Chem. Corp	7-14-81
LA 82 0012	Furadan 4 Flowable	FMC Corp	4-06-82
LA 82 0021	Freestyle Calcium Hypochlorite 65 percent	Thompson-Hayward Chem. Co.	5-16-82
LA 82 0026	Pounce 3.2 EC	FMC Corp	6-30-82
LA 82 0027	CPF	VRE Registrar	7-12-82

Special local need registration No.	Product name	Registrant	Date registered
Maryland			
MD 78 0001	Vitavax-200 Flowable	Uniroyal	5-22-78
Michigan			
MI 77 0001	Vitavax-200 FL	Uniroyal	2-17-77
MI 77 0009	Sevin 80S	Union Carbide	5-25-77
MI 79 0008	Amiben Chloramben Herbicide	Union Carbide	3-09-79
MI 79 0019	Temik 15G	Union Carbide	5-02-79
MI 80 0001	Vitavax-200 FL	Uniroyal	1-02-80
MI 80 0011	Citicip 6E	Tennessee Chem. Co.	5-15-80
MI 80 0012	Citicip 4E	Tennessee Chem. Co.	5-15-80
Minnesota			
MN 77 0007	Sevin 80 S	Union Carbide	7-07-77
MN 77 0008	Sevimol 4	Union Carbide	7-07-77
MN 77 0010	Oxy Leafex 3	J.R. Simplot	10-07-77
MN 81 0014	Brominal	Union Carbide	5-07-81
MN 82 0012	Amiben Chloramben Herbicide	Union Carbide	6-18-82
Mississippi			
MS 77 0009	Oxy Leafex 3	J.R. Simplot Co.	7-18-77
MS 77 0010	Oxy Leafex 3	J.R. Simplot Co.	7-18-77
MS 78 0023	Lindane E-1	Thompson-Hayward Chem. Co.	8-07-78
MS 78 0030	Oxy Leafex 3	J.R. Simplot Co.	9-09-78
MS 79 0018	Dyanap	Uniroyal	6-20-79
MS 80 0027	Titchem EPN	Velsicol Chem. Corp.	6-06-80
MS 80 0044	Weedone 2,4-DP	Union Carbide	7-09-80
MS 82 0001	Furadan 4 Flowable	FMC Corp.	2-10-82
MS 82 0002	Furadan 10G	FMC Corp.	2-10-82
MS 82 0018	Freestyle Calcium Hypochlorite Granular 65 percent	Thompson-Hayward Chem. Co.	5-14-82
MS 82 0044	Furadan 15G	FMC Corp.	11-02-82
Missouri			
MO 77 0004	Vitavax-200 Flowable With Thiram	Uniroyal	8-14-77
MO 77 0009	Vitavax-25 DB	Uniroyal	12-09-77
MO 78 0011	Sevin 80 S	Union Carbide	7-07-78
MO 78 0012	Sevimol 4	Union Carbide	7-07-78
MO 78 0013	Alanap-3	Uniroyal	7-14-78
MO 80 0012	Amiben Chloramben Herbicide	Union Carbide	7-07-80
MO 81 0016	Pounce 3.2 EC	FMC Corp.	4-03-81
MO 82 0020	Furadan 4 Flowable	FMC Corp.	6-02-82
Montana			
MT 77 0002	Sevimol 4	Union Carbide	5-18-77
MT 78 0006	Banvel D	Velsicol Chem. Corp.	4-19-78
MT 79 0006	Vitavax 25 DB Fungicide	Uniroyal	3-16-79
MT 79 0019	Sevimol 4	Union Carbide	5-15-79
MT 79 0020	Sevin 80 S	Union Carbide	5-15-79
MT 79 0021	Sevin 4 Oil	Union Carbide	5-15-79
MT 81 0004	Sevin 4 Oil	Union Carbide	3-18-81
MT 81 0005	Sevin XLR	Union Carbide	3-19-81
MT 81 0006	Sevin 80 S	Union Carbide	3-19-81
MT 81 0007	Sevimol 4	Union Carbide	3-18-81
MT 81 0011	Brominal	Union Carbide	11-09-81
MT 82 0002	Brominal	Union Carbide	3-09-82
Nebraska			
NE 77 0002	Sevin 80 S	Union Carbide	7-28-77
NE 77 0003	Sevimol 4	Union Carbide	7-28-77
NE 78 0006	Vitavax 24 DB Fungicide	Uniroyal	3-31-78
NE 78 0013	Velsicol Gnorin	Velsicol Chem. Corp.	7-17-78
NE 78 0016	Furadan 4 Flowable	FMC Corp.	3-03-78
NE 79 0013	Sevin 4 Oil 41	Union Carbide	6-26-79
New Hampshire			
NH 79 0002	Sevin 80 S	Union Carbide	6-15-79
NH 79 0003	Sevimol 4	Union Carbide	6-15-79
New Jersey			
NJ 82 0002	Furadan 4 Flowable	FMC Corp.	3-09-82
NJ 82 0014	No-Pest® Strip Insecticide II	Textze Div., Morton Thiokol, Inc.	7-29-82*
New Mexico			
NM 78 0006	Sevimol 4	Union Carbide	2-16-78
NM 78 0009	Sevin 4 Oil	Union Carbide	4-17-78
NM 78 0018	Sevin SL	Union Carbide	8-07-78
NM 78 0019	Sevimol 4	Union Carbide	8-29-78
New York			
NY 77 0002	Tre-hold Sprout Inhibitor	Union Carbide	4-25-77
NY 78 0015	Temik 15 G	Union Carbide	6-15-78

Special local need registration No.	Product name	Registrant	Date registered
NY 81 0010	Pounce 3.2 EC	FMC Corp	1-26-81
NY 82 0009	Furadan 4 Flowable	FMC Corp	5-07-82
North Carolina			
NC 77 0003	Vitavax 10 G	Uniroyal	2-15-77
NC 78 0031	Lindane	Thompson-Hayward Chem. Co	9-05-78
NC 79 0029	Sevin 89 S	Union Carbide	9-07-79
NC 80 0017	Furadan 10 G	FMC Corp	5-20-80
NC 82 0009	Royal MN-80	Uniroyal	4-22-82
North Dakota			
ND 79 0020	Toxaphene 6 EC	USS Agri-Chemicals	6-18-79
ND 81 0006	Barvel Herbicide/BCS	Velsicol Chem. Corp	4-23-81
Ohio			
OH 77 0011	Vitavax-200 Flowable Fungicide	Uniroyal	11-22-77
OH 78 0003	Vitavax 25 DB Fungicide	Uniroyal	3-23-78
OH 80 0015	Furadan 4 Flowable	FMC Corp	8-18-80
OH 81 0032	Barvel Herbicide/BCS	Velsicol Chem. Corp	7-08-81
OH 82 0018	Furadan 4 Flowable	FMC Corp	8-27-82
Oklahoma			
OK 78 0019	Velsicol Endrin	Velsicol Chem. Corp	9-07-78
OK 78 0022	Vitavax 25 DB Fungicide	Uniroyal	9-05-78
OK 79 0006	Lindane E-1	Thompson-Hayward Chem. Co	3-22-79
OK 79 0007	Dyanap	Uniroyal	3-27-79
OK 80 0008	Comite	Uniroyal	5-05-80
Oregon			
OR 77 0053	Pyrenone Crop Spray	FMC Corp	7-19-77
OR 78 0001	Sevinol 4	Union Carbide	1-06-78
OR 78 0034	Sevin 80 S	Union Carbide	7-06-78
OR 81 0017	Brominal	Union Carbide	2-04-81
OR 81 0024	Brominal	Union Carbide	3-10-81
OR 81 0030	Brominal	Union Carbide	4-06-81
OR 81 0065	Red Top Contact Weed Killer	Wilbur-Ellis Co	6-24-81
OR 82 0013	Brominal	Union Carbide	3-23-82
Pennsylvania			
PA 82 0010	Furadan 4 Flowable	FMC Corp	3-28-82
South Carolina			
SC 77 0005	Vitavax 10-G	Uniroyal	4-29-77
SC 78 0028	Lindane E-1	Thompson-Hayward Chem. Co	9-21-78
SC 80 0003	Vitavax-200 Flowable Fungicide	Uniroyal	4-29-77
SC 81 0007	Pounce 3.2 EC	FMC Corp	3-24-81
South Dakota			
SD 79 0005	Sevin 4 Oil 41	Union Carbide	5-30-79
SD 79 0009	Furadan 4-Flowable	FMC Corp	6-28-79
Tennessee			
TN 78 0001	Vitavax-200 Flowable Fungicide	Uniroyal	1-06-78
TN 78 0010	Alanap-3	Uniroyal	4-24-78
TN 78 0011	Weedmaster Herbicide	Velsicol Chem. Corp	5-04-78
TN 78 0014	Furadan 4 Flowable	FMC Corp	6-15-78
TN 78 0015	Lindane E-1	Thompson-Hayward Chem. Co	7-14-78
TN 78 0020	Oxy Leafex 3	J. R. Simplot Co	9-14-78
TN 79 0006	Tobacco States Brand Plant Bed Saver	Tobacco States Chem. Co	3-14-79
TN 79 0010	Vitavax 25 DB Fungicide	Uniroyal	4-17-79
Texas			
TX 77 0020	Oxy Leafex 3	J.R. Simplot	10-07-77
TX 78 0002	Temik 15 G	Union Carbide	2-03-78
TX 78 0005	Vitavax-200 Flowable	Uniroyal	2-17-78
TX 82 0043	PCO Lindane E-1 Insecticide	Thompson-Hayward Chem. Co	7-26-82
TX 82 0061	Pounce 3.2 EC	FMC Corp	12-15-82
Utah			
UT 77 0003	Furadan 4 Flowable	FMC Corp	3-07-77
UT 77 0005	Niagara Aqua 8 Parathion Code 701	Davis County Mosquito Abatement District	5-09-77
UT 79 0004	Sevinol 4	Union Carbide	2-02-79
UT 79 0009	Vitavax 25 DB	Uniroyal	3-30-79
UT 80 0002	Copper Sulfate (Snow Crystals)	Tennessee Chem. Co	1-29-80
UT 80 0005	Copper Sulfate (Snow Crystals)	Tennessee Chem. Co	1-29-80
UT 81 0012	Barvel Herbicide	Velsicol Chem. Corp	5-11-81
UT 81 0027	Brominal	Union Carbide	10-29-81

Special local need registration No.	Product name	Registrant	Date registered
Virginia			
VA 76 0011	Omite 30 W.	Uniroyal	7-22-76
VA 76 0018	Niagra Furadan 10G	FMC Corp.	
VA 77 0016	Vineland Formalogen	Virginia Dept. of Health	11-18-77
VA 82 0010	Furadan 4 Flowable	FMC Corp.	3-08-82
Washington			
WA 79 0070	De-Fend E-267 Dimethoate	Wilbur-Ellis Co.	8-28-79
Wyoming			
WY 82 0003	Brominal	Union Carbide	2-12-82
WY 83 0004	Ramik Green	Velsicol Chem. Corp.	4-25-83

Cancellation of these section 24(c) registrations shall be effective July 20, 1984. Any sale or distribution by the registrant of the product bearing the section 24(c) label after this date will violate FIFRA section 12(a)(2)(K). EPA will not consider it a violation of FIFRA for distributors other than the registrant to sell or distribute existing stocks of any of these cancelled products bearing the section 24(c) label. It should be noted, however, that such sale or distribution may not be permitted by applicable State law.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP 240049]" and the specific section 24(c) registration number. Any comments filed regarding this notice will be available for public inspection in Rm. 236, CM #2, at the above address from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

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

Dated: June 1, 1984.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 84-15955 Filed 6-19-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-240043; PH-FRL 2607-5]

Pesticides; Special Local Need Registrations; Voluntary Cancellations

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice lists names of registrants requesting voluntary cancellation of section 24(c) registrations of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. The State registration for each of these products has already been cancelled by the issuing State. Distribution of sale of

these products by the registrant, using the section 24(c) label, after the effective date of cancellation will be considered a violation of the FIFRA.

EFFECTIVE DATE: July 20, 1984.

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

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

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked "confidential" may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

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

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

SUPPLEMENTARY INFORMATION: The following registrants have requested that EPA voluntarily cancel section 24(c) registrations:

Registrants

1. Agricultural Commissioner, Alameda County, 224 West Winton Ave., Hayward CA 94544.

2. Agricultural Commissioner, Glenn County, 720 N. Colusa St., P.O. Box 351, Willows, CA 95988.

3. Agricultural Commissioner, Kings County, P.O. Box C, 280 Campus Drive, Hanford, CA 93230.

4. Agricultural Commissioner, Monterey County, 120. Wilgart Way, Salinas CA 93901.

5. Agricultural Commissioner, San Diego County, Building 3, 5555 Overland Ave., San Diego, CA 92123.

6. Agricultural Commissioner, San Joaquin County, P.O. Box 1809, Stockton, CA 95201.

7. Agricultural Commissioner, San Mateo County, 728 Heller St., Redwood City, CA 94064.

8. Agricultural Commissioner, Santa Clara County, 1555 Berger Drive, San Jose, CA 95112.

9. Agricultural Commissioner, Sutter County, 142 Garden Way, Yuba City, CA 95991.

10. Agricultural Commissioner, Tulare County, Agricultural Bldg., County Civic Center, Visalia, CA 93291.

11. Arizona Agrochemical Co., P.O. Box 21537, Phoenix, AZ 85036.

12. BFC Chemicals, Inc., 4311 Lancaster Pike, P.O. Box 2867, Wilmington, DE 19805.

13. B & W Quality Growers, Inc., 159 Whooping Loop, Altamonte Springs, FL 32701.

14. Bell Laboratories, Inc., 3699 Kinsman Blvd., Madison, WI 53704.

15. Bruce Church, Inc., of Arizona, Route 1, Box 56B, Parker, AZ 85344.

16. CIBA-Geigy Corp., Agricultural Division, P.O. Box 1830D, Greensboro, NC 27419.

17. Cleveland, Chemical Corp., Agricultural Chemicals, P.O. Box 520, Cleveland, MS 38732.

18. Cotton States Chemical Co., Chemicals For Agriculture, 116 Wassan St., P.O. Drawer 157, West Monroe, LA 71291.

19. Degesch America, Inc., P.O. Box 116, 275 Triangle Dr., Weyers Cave, VA 24486.

20. Dettelbach Pesticide Corp., P.O. Box 647, Atlanta GA 30301.

21. Dow Chemical U.S.A., Agricultural Products Dept., P.O. Box 1706, Midland MI 48640.

22. Forest Supervisor, Angeles National Forest, 150 South Los Robles Ave., Suite 300, Pasadena, CA 91101.

23. Pesticide Registration and Agricultural Productivity, Department of Food and Agriculture, 1220 N St., Sacramento CA 95814.

24. SDS Biotech Corp., Agricultural Chemicals Business, 7528 Auburn Rd., P.O. Box 348, Painesville, OH 44077.

The following section 24(c) registrations have been voluntarily cancelled:

Special local need registration No.	Product name	Registrant	Date registered
Alabama			
AL 77 0002	Premerge Dinitro Weed Killer	Dow Chemical USA	1-25-77
AL 78 0004	Bravo 500	Biotech/Diamond Shamrock Corp	3-31-78
AL 79 0007	Bravo 500 Spray Tank Combination With Copper	Biotech/Diamond Shamrock Corp	9-18-79
AL 79 0013	Rabon Insecticide Cattle Ear Tag	Biotech/Diamond Shamrock Corp	7-05-79
AL 81 0015	Amine 4D	Biotech/Diamond Shamrock Corp	4-27-81
AL 81 0016	Amine 6D Weed Killer	Biotech/Diamond Shamrock Corp	4-27-81
Arizona			
AZ 76 0004	Ansar 8100 Herbicide DSMA Powder	Biotech/Diamond Shamrock Corp	7-07-78
AZ 77 0020	Supracide 2E Insecticide/Miticide	Ciba-Geigy Corp	7-06-77
AZ 77 0026	Supercide 2E Insecticide/Miticide	Ciba-Geigy Corp	8-17-77
AZ 77 0035	Dowol a-40 Antimicrobial	Dow Chemical USA	1-27-78
AZ 78 0020	Lorsban 4E	Dow Chemical USA	7-05-78
AZ 79 0006	Folpet (Phaltan) 7.5 Dust	Arizona Agro-chemical Co.	3-28-79
AZ 81 0026	Sin-Trol 4L Simazine Flowable Herbicide	Arizona Agro-chemical Co.	11-04-81
Arkansas			
AR 77 0005	Geigy Atrax 80W	Ciba-Geigy Corp	4-04-77
AR 77 0005	Princep 80W	Ciba-Geigy Corp	4-04-77
AR 77 0013	Princep 4L Herbicide	Ciba-Geigy Corp	3-17-78
AR 77 0013	Atrax 4L Brand Atrazine Season-Long Weed Control in Corn	Ciba-Geigy Corp	3-17-78
AR 78 0007	Lorsban 4E	Dow Chemical USA	6-01-77
AR 78 0011	Dow Dursban 4E Emulsifiable Insecticide	Dow Chemical USA	3-07-78
AR 78 0014	N-Serve 24E and Nitrogen Stabilizer	Dow Chemical USA	3-17-78
California			
CA 76 0021	Torak G (Dialfor)	BFC Chemicals, Inc. (formerly Hercules and Boots Hercules)	2-24-76
CA 76 0041	Guthion 50% WP	State of Calif., Dept. of Food and Agriculture/Kern Co	3-17-78
CA 76 0050	Degesch Calcium Cyanide A-Dust	State of Calif., Dept. of Food and Agriculture	3-24-76
CA 76 0072	Rodent Bait Sodium Fluoroacetate Treated Grain (0.05%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0073	Ground Squirrel Bait Sodium Fluoroacetate Treated Grain	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0074	Meadow Mouse Bait Sodium Fluoroacetate Treated Grain	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0075	Rodent Bait Sodium Fluoroacetate Treated Grain (0-11%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0076	Oregon Ground Squirrel Bait Sodium Fluoroacetate Treated Grain	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0077	Oregon Ground Squirrel Bait Sodium Fluoroacetate Treated Grain	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0078	Meadow Mouse Bait Sodium Fluoroacetate Treated Grain	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0079	Meadow Mouse Bait Sodium Fluoroacetate Treated Grain	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0080	Ground Squirrel Bait Sodium Fluoroacetate Chop	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0081	Ground Squirrel Bait Sodium Fluoroacetate Treated Grain	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0084	Gopher Bait Strychnine Treated Grain (0.29%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0085	Gopher Bait Strychnine Treated Grain (1.3%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0086	Gopher Bait Strychnine Treated Grain (1.8%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0088	Gopher Bait Strychnine Treated Grain (0.9%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0089	House Mouse Bait Strychnine Treated Grain (0.5%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0090	Ground Squirrel Bait Strychnine Treated Grain (0.29%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0091	Jackrabbit Bait Strychnine Treated Grain (0.3%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0092	Kangaroo Rat Bait Strychnine Treated Grain (0.17%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0093	Strychnine Rodent Paste (4.77%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0094	Sparrow Bait Strychnine Treated Grain (0.6%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0095	Blackbird and Cowbird Bait Strychnine Treated Grain (0.35%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0096	Horned Lark Bait Strychnine Treated Grain (0.65%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0097	House Finch (Linnet) Bait Strychnine Treated Grain (0.43%)	State of Calif., Dept. of Food and Agriculture	3-29-76
CA 76 0100	Prowl Herbicide	State of Calif., Dept. of Food and Agriculture, Kings Co	4-07-76
CA 76 0105	Pirimor 50WP	State of Calif., Dept. of Food and Agriculture, San Mateo Co	4-12-76
CA 76 0125	Vendex Miticide	State of Calif., Dept. of Food and Agriculture, Alameda Co	5-06-76
CA 76 0131	Cygon 267	State of Calif., Dept. of Food and Agriculture, Santa Barbara Co	5-12-76
CA 76 0134	Bravo 6F	Biotech/Diamond Shamrock Corp., Sutter Co	5-14-76
CA 76 0150	Vendex on Ornamentals	State of Calif., Dept. of Food and Agriculture, San Diego Co	6-01-76
CA 76 0171	A.I. Sodium Cyanide	State of Calif., Dept. of Food and Agriculture, Tulare Co	7-20-76
CA 76 0175	Dupont Lannate L Methomyl Insecticide	State of Calif., Dept. of Food and Agriculture, Kern Co	7-26-76
CA 76 0185	Botran Sulfur 8-25 Dust	State of Calif., Dept. of Food and Agriculture, Santa Barbara Co	8-27-76
CA 76 0191	Ethrel Plant Regulator	State of Calif., Dept. of Food and Agriculture	9-20-76
CA 76 0196	Cyanide A Dust for Skunks	State of Calif., Dept. of Food and Agriculture, San Diego Co	9-28-76
CA 76 0222	Ortho Paraquat CL	State of Calif., Dept. of Food and Agriculture, Shasta Co	12-20-76
CA 77 0001	Daconil 2787 Flowable Fungicide	Biotech/Diamond Shamrock Corp./San Diego Dept. of Agriculture	1-03-77
CA 77 0007	Agri-Mycin 17	State of Calif., Dept. of Food and Agriculture, San Mateo Co	1-21-77
CA 77 0007	Agri-Strep 500	State of Calif., Dept. of Food and Agriculture, San Mateo Co	1-21-77
CA 77 0009	DuPont Karmex	State of Calif., Dept. of Food and Agriculture	1-26-77
CA 77 0028	Bravo 500 Agricultural Fungicide	Biotech/Diamond Shamrock Corp	2-24-77
CA 77 0049	Geigy Chlorobenzilate 4E	State of Calif., Dept. of Food and Agriculture	3-23-77
CA 77 0063	Furadan 4L	State of Calif., Dept. of Food and Agriculture, Monterey Co	4-05-77
CA 77 0064	Orthene Tree Ornamental Spray	State of Calif., Dept. of Food and Agriculture, San Mateo Co	4-08-77

Special local need registration No.	Product name	Registrant	Date registered
CA 77 0067	Red-Top Lindane 1.7 Spray	State of Calif., Dept. of Food and Agriculture	4-11-77
CA 77 0067	Lacco Lin O Mulsion 1.7	State of Calif., Dept. of Food and Agriculture	4-11-77
CA 77 0076	Geigy Chlorobenzilate 4E	State of Calif., Dept. of Food and Agriculture	4-14-77
CA 77 0099	DeFend E-267 Dimethoate Systemic Insecticide	State of Calif., Dept. of Food and Agriculture, Tulare Co.	5-10-77
CA 77 0133	Rebstate Systemic Insecticide	State of Calif., Dept. of Food and Agriculture, Tulare Co.	5-18-77
CA 77 0133	Cygon 267 Systemic Insecticide	State of Calif., Dept. of Food and Agriculture, Tulare Co.	5-18-77
CA 77 0236	Chlordane 10G	State of Calif., Dept. of Food and Agriculture	6-20-77
CA 77 0249	Bravo 6F	Biotech/Diamond Shamrock Corp., U.S.D.A. Forest Service	6-24-77
CA 77 0281	Rodent Bait Warfarin-P	State of Calif., Dept. of Food and Agriculture, Cruz Co.	6-29-77
CA 77 0305	Omite/Grapes to control mites	State of Calif., Dept. of Food and Agriculture	7-19-77
CA 77 0319	Ortho Sevin Bait (Pelleted)	State of Calif., Dept. of Food and Agriculture, Glenn Co.	8-05-77
CA 77 0324	Puregro Pick-Quick	State of Calif., Dept. of Food and Agriculture	8-08-77
CA 77 0372	2% Rodent Bait Zinc Phosphide Treated Grain	State of Calif., Dept. of Food and Agriculture, Glenn Co.	8-23-77
CA 77 0423	Starling and Blackbird Bait Staricide Treated Grain	State of Calif., Dept. of Food and Agriculture, Tulare Co.	9-02-77
CA 77 0424	Rodent Bait Block Fumaryl Treated Grain/Paaffin	State of Calif., Dept. of Food and Agriculture, Tulare Co.	9-01-77
CA 77 0428	Rodent Bait Fumaryl Treated Grain	State of Calif., Dept. of Food and Agriculture, Tulare Co.	9-01-77
CA 77 0476	Carbon Bisulfide Rodent Fumigant	State of Calif., Dept. of Food and Agriculture, Tulare Co.	10-05-77
CA 77 0477	Methyl Bromide Rodent Fumigant	State of Calif., Dept. of Food and Agriculture	10-05-77
CA 78 0029	Mosquito Fogging Conc.	Dow Chemical USA	2-07-78
CA 78 0052	Kerb 50-W Selective Herbicide	State of Calif., Dept. of Food and Agriculture, Monterey Co.	3-15-78
CA 78 0065	Esteron Brush Killer	Dow Chemical USA	4-07-78
CA 78 0066	Esteron 245	Dow Chemical USA	4-07-78
CA 78 0069	Best Snail and Slug Bait-M	State of Calif., Dept. of Food and Agriculture, San Mateo Co.	3-11-78
CA 78 0086	DZN Diazinon 50W	State of Calif., Dept. of Food and Agriculture	5-01-78
CA 78 0138	Bravo 500	Biotech/Diamond Shamrock Corp.	6-30-78
CA 79 0015	MCPA Amine 4	Biotech/Diamond Shamrock Corp.	2-02-79
CA 79 0046	Premerge	State of Calif., Dept. of Food and Agriculture	3-06-79
CA 79 0048	Sevin Carbide	State of Calif., Dept. of Food and Agriculture	3-09-79
CA 79 0144	Dacthal W-75 Herbicide	Biotech/Diamond Shamrock Corp.	6-18-79
CA 80 0084	Ansar 528 H.C. Herbicide	Biotech/Diamond Shamrock Corp., Monterey Co. Dept. of Agr.	5-12-80
CA 81 0006	Bravo W-75	Biotech/Diamond Shamrock Corp., Monterey Co. Dept. of Agr.	3-03-81
CA 81 0008	Dacthal W-75	Biotech/Diamond Shamrock Corp., Monterey Co. Dept. of Agr.	3-03-81
CA 82 0009	Degesch Phostoxin	Degesch America, Inc.	2-01-82
CA 82 0016	Tenoran 50 WP Herbicide	State of Calif., Dept. of Food and Agriculture	4-09-82
Colorado			
CO 78 0011	Bravo 500	Biotech/Diamond Shamrock Corp.	3-12-78
CO 78 0030	Aatrex 4L Brand Atrazine Season-Long Weed Control in Corn	Ciba-Geigy Corp.	11-16-78
CO 80 0007	Bravo 500	Biotech/Diamond Shamrock Corp.	5-08-80
Connecticut			
CT 78 0001	Bravo 500	Biotech/Diamond Shamrock Corp.	6-27-78
Delaware			
DE 78 0003	Bravo 6-F	Biotech/Diamond Shamrock Corp.	4-25-78
DE 78 0016	Bravo 6-F	Biotech/Diamond Shamrock Corp.	5-12-78
DE 79 0008	Bravo 500	Biotech/Diamond Shamrock Corp.	4-3-79
DE 79 0017	Bravo 500	Biotech/Diamond Shamrock Corp.	4-17-79
Florida			
FL 78 0004	Bravo 500	Biotech/Diamond Shamrock Corp.	2-21-78
FL 78 0039	Bravo 500	Biotech/Diamond Shamrock Corp.	8-7-78
FL 81 0021	Amine 6D Weed Killer	Biotech/Diamond Shamrock Corp.	6-26-81
FL 81 0022	Amine 4D	Biotech/Diamond Shamrock Corp.	6-26-81
Georgia			
GA 76 0002	Premerge Dinitro Weed Killer	Dow Chemical USA	5-5-76
GA 76 0003	Premerge 3 Dinitro Amine Herbicide	Dow Chemical USA	5-5-76
GA 76 0032	Torak P (Diallor)	BFC Chemicals, Inc. (formerly Hercules and Boots Hercules)	9-5-78
GA 80 0027	Lorsban 4E	Dow Chemical USA	12-18-80
Hawaii			
HI 77 0031	Bravo 6F	Biotech/Diamond Shamrock Corp.	12-29-77
HI 78 0016	Bravo 500	Biotech/Diamond Shamrock Corp.	11-28-78
Idaho			
ID 76 0011	Dursban M	Dow Chemical USA	8-26-76
ID 77 0003	Bravo 6F	Biotech/Diamond Shamrock Corp.	3-2-77
ID 77 0023	Dow General Weed Killer	Dow Chemical USA	9-12-77
ID 78 0006	Tolban 4E Herbicide	Ciba-Geigy Corp.	4-4-78
ID 81 0040	Rabon 7.76 Oral	Biotech/Diamond Shamrock Corp.	6-24-81
Illinois			
IL 78 0001	Premerge 3 Dinitro Amine Herbicide	Dow Chemical USA	1-16-78
IL 78 0002	Lorsban 4E	Dow Chemical USA	2-07-78
IL 78 0004	Dow General Weed Killer	Dow Chemical USA	4-17-78
Indiana			
IN 77 0001	Aquazine Algicide	Ciba-Geigy Corp.	1-25-77
IN 78 0005	Lorsban 4E Insecticide	Dow Chemical USA	2-20-78
IN 78 0007	Aatrex 80W Herbicide	Ciba-Geigy Corp.	3-15-78

Special local registration No.	Product name	Registrant	Date registered
IN 78 0008	Aatrex 4L Herbicide	Ciba-Geigy Corp.	3-15-78
IN 78 0012	Bravo 500	Biotech/Diamond Shamrock Corp.	7-31-78
IN 79 0010	Bravo 500	Biotech/Diamond Shamrock Corp.	7-20-79
Iowa			
IA 78 0002	Lorsban 4E	Dow Chemical USA	2-22-78
IA 81 0012	Lorsban 15G Granular	Dow Chemical USA	6-02-81
Kansas			
KS 77 0002	Igran 80 W	Ciba-Geigy Corp.	5-05-77
KS 78 0001	Lorsban 4E	Dow Chemical USA	2-15-78
KS 78 0021	Lorsban 4E	Dow Chemical USA	9-26-78
KS 81 0029	Lorsban 15G	Dow Chemical USA	7-14-81
Louisiana			
LA 78 0004	Dursban 4E	Dow Chemical USA	2-28-78
LA 78 0016	Lorsban 4E	Dow Chemical USA	5-17-78
LA 81 0009	Amine 4-D	Biotech/Diamond Shamrock Corp.	3-23-81
LA 81 0013	Amine 6-D Weed Killer	Biotech/Diamond Shamrock Corp.	3-23-81
LA 81 0034	Lorsban 4E	Dow Chemical USA	7-10-81
LA 82 0001	Dowfume W-100	Dow Chemical USA	2-02-82
LA 82 0002	Dowfume W-90	Dow Chemical USA	2-02-82
LA 83 0003	Dowfume W-95	Dow Chemical USA	2-02-82
Massachusetts			
MA 78 0004	Geigy Diazinon 14G	Ciba-Geigy Corp.	6-27-78
MA 79 0003	Bravo 500	Biotech/Diamond Shamrock Corp.	4-24-79
Maryland			
MD 77 0005	Bravo 6-F	Biotech/Diamond Shamrock Corp.	9-14-77
MD 78 0008	Bravo 500	Biotech/Diamond Shamrock Corp.	9-16-78
Michigan			
MI 77 0013	Bravo 6-F	Biotech/Shamrock Corp.	6-17-77
MI 77 0015	Bravo 6-F	Biotech/Shamrock Corp.	8-12-77
MI 78 0003	Bravo 500	Biotech/Shamrock Corp.	5-11-78
MI 78 0010	Bravo 500	Biotech/Shamrock Corp.	6-09-78
MI 79 0004	Bravo 500	Biotech/Shamrock Corp.	2-14-79
MI 80 0014	Lorsban 15G	Dow Chemical USA	5-20-80
MI 80 0015	Lorsban 4E	Dow Chemical USA	5-20-80
MI 82 0008	Lorsban 15G	Dow Chemical USA	4-21-82
MI 81 0009	Lorsban 4E	Dow Chemical USA	4-21-82
Minnesota			
MN 77 0003	Tolban 4E Herbicide	Ciba-Geigy Corp.	4-20-77
MN 78 0001	Tolban 4E Herbicide	Ciba-Geigy Corp.	4-25-78
MN 78 0003	Lorsban 4E	Dow Chemical USA	4-28-78
MN 78 0004	Supracide 2E Herbicide-Miticide	Ciba-Geigy Corp.	5-5-78
MN 79 0003	Lorsban 15G	Dow Chemical USA	4-19-79
MN 79 0004	Lorsban 4E	Dow Chemical USA	4-19-79
MN 79 0015	Dursban 4E	Dow Chemical USA	9-04-79
MN 81 0004	Aatrex 80W	Ciba-Geigy Corp.	3-10-81
MN 81 0005	Aatrex Nona-O	Ciba-Geigy Corp.	3-10-81
MN 81 0006	Aatrex 4L	Ciba-Geigy Corp.	3-10-81
MN 81 0007	Aatrex 4LC	Ciba-Geigy Corp.	3-10-81
Mississippi			
MS 77 0001	Lorsban 4E	Dow Chemical USA	1-03-77
MS 77 0007	Lorsban 4E	Dow Chemical USA	5-23-77
MS 78 0005	Dursban 4G	Dow Chemical USA	1-27-78
MS 79 0012	Rabon Insecticide Cattle Ear Worm	Biotech/Diamond Shamrock Corp.	5-22-79
MS 79 0017	N-Serve 24 Nitrogen Stabilizer	Dow Chemical USA	7-03-79
MS 80 0008	N-Serve 24E Nitrogen Stabilizer	Dow Chemical USA	3-25-80
MS 80 0022	DSMA Liquid Plus	Cleveland Chemical Corp.	6-15-80
MS 81 0033	N-Serve 24E Nitrogen Stabilizer	Dow Chemical USA	4-13-81
MS 81 0053	Dowfume W-90	Dow Chemical USA	7-22-81
MS 82 0007	N-Serve 24E Nitrogen Stabilizer	Dow Chemical USA	4-05-82
MS 82 0008	N-Serve 24 Nitrogen Stabilizer	Dow Chemical USA	4-05-82
Missouri			
MO 77 0008	Premerge Dinitro Weed Killer	Dow Chemical USA	9-20-77
MO 77 0009	Premerge 3 Dinitro Amine Herbicide	Dow Chemical USA	9-20-77
MO 78 0006	Lorsban 4E	Dow Chemical USA	2-06-78
MO 78 0007	Dursban 4E Emulsifiable	Dow Chemical USA	4-14-78
MO 82 0004	Ethylene Dibromide	Dow Chemical USA	2-10-82
MO 82 0005	Dowfume W-85	Dow Chemical USA	2-10-82
MO 82 0006	Dowfume W-85	Dow Chemical USA	2-10-82
MS 82 0015	Wil-Kil Rat and Mouse Bait	Bell Labs., Inc.	5-12-82

Special local need registration No.	Product name	Registrant	Date registered
Montana			
MT 77 0007	Aatrex 4L Brand Atrazine	Ciba-Geigy Corp.	8-24-77
MT 79 0026	Aatrex 4L Brand Atrazine	Ciba-Geigy Corp.	7-24-79
Nebraska			
NE 77 0001	Tordon 22K Weed	Dow Chemical USA	5-13-77
NE 78 0007	Lorsban 4E	Dow Chemical USA	5-09-78
NE 78 0009	Atrex 4L Brand Atrazine	Ciba-Geigy Corp.	5-09-78
NE 78 0017	Lorsban 4E	Dow Chemical USA	8-03-79
NE 79 0011	Rabon Cattle Ear Tag	Biotech/Diamond Shamrock Corp.	6-14-79
NE 80 0017	Bravo 500	Biotech/Diamond Shamrock Corp.	6-03-80
NE 80 0015	Lorsban 4E	Dow Chemical USA	5-09-80
Nevada			
NV 77 0005	Bravo 6-F	Biotech/Diamond Shamrock Corp., Nev. Dept. of Agr.	5-2-77
NV 77 0009	Lorsban 4E	Dow Chemical USA	5-25-77
NV 77 0011	Dow Selective Weed Killer	Dow Chemical USA	6-14-77
NV 77 0015	Dow Selective Weed Killer	Dow Chemical USA	12-23-77
NV 81 0006	Dacthal W-75 for Turf	Biotech/Diamond Shamrock Corp., Nev. Dept. of Agr.	8-21-81
New Jersey			
NJ 77 0012	Bravo 6-F	Biotech/Diamond Shamrock Corp.	9-7-77
NJ 77 0022	Bravo 500	Biotech/Diamond Shamrock Corp.	9-7-77
NJ 78 0010	Bravo 6-F	Biotech/Diamond Shamrock Corp.	6-9-78
NJ 78 0017	Bravo 500	Biotech/Diamond Shamrock Corp.	11-13-78
NJ 79 0021	Bravo 500	Biotech/Diamond Shamrock Corp.	7-26-79
NJ 82 0004	Lorsban 4-E	Dow Chemical USA	4-3-80
NJ 82 0005	Lorsban 15G	Dow Chemical USA	4-3-80
NJ 82 0006	Lorsban 4E	Dow Chemical USA	4-16-82
NJ 82 0007	Lorsban 15G	Dow Chemical USA	4-16-82
New Mexico			
NM 77 0001	Tordon 225E Mixture Herbicide	Dow Chemical USA	5-3-77
NM 79 0002	Bravo 500	Biotech/Diamond Shamrock Corp.	1-25-79
New York			
NY 77 0006	Bravo 6-F	Biotech/Diamond Shamrock Corp.	7-15-77
NY 78 0026	Dow General Weed Killer	Dow Chemical USA	9-7-78
NY 78 0029	Bravo 500	Biotech/Diamond Shamrock Corp.	12-21-78
NY 82 0006	Lorsban 4E	Dow Chemical USA	4-16-82
NY 82 0007	Lorsban 15G	Dow Chemical USA	4-16-82
North Carolina			
NC 76 0001	Premerge Dinitro Weed Killer	Dow Chemical USA	6-9-76
NC 76 0002	Premerge 3 Dinitro Amine Weed Killer	Dow Chemical USA	6-9-76
NC 79 0014	Lorsban 4E	Dow Chemical USA	4-5-79
NC 79 0015	Lorsban 15G	Dow Chemical USA	4-5-79
NC 79 0027	Premerge 3	Dow Chemical USA	7-30-79
NC 81 0002	Lorsban 4E	Dow Chemical USA	1-28-81
NC 81 0003	Lorsban 15G	Dow Chemical USA	1-28-81
North Dakota			
ND 78 0005	Supracide 2E Insecticide-Miticide	Ciba-Geigy Corp.	5-8-78
ND 78 0008	Bravo 500	Biotech/Diamond Shamrock Corp.	5-11-78
Ohio			
OH 78 0004	Bravo 6-F	Biotech/Diamond Shamrock Corp.	7-31-78
OH 78 0007	Daconil 2767 Flowable Fungicide	Biotech/Diamond	9-8-78
OH 78 0008	Bravo 500	Biotech/Diamond Shamrock Corp.	11-22-78
OH 79 0009	Bravo 500	Biotech/Diamond Shamrock Corp.	5-25-79
Oklahoma			
OK 76 0001	Bravo 6-F	Biotech/Diamond Shamrock Corp.	7-12-76
OK 77 0003	Bravo 500	Biotech/Diamond Shamrock Corp.	2-14-77
OK 77 0010	Bravo 6-F	Biotech/Diamond Shamrock Corp.	6-3-77
OK 78 0004	Aatrex 4L Brand Atrazine	Ciba-Geigy Corp.	3-17-78
OK 78 0004	Princep 4L Herbicide	Ciba-Geigy Corp.	3-17-78
OK 78 0005	Geigy Atrax	Ciba-Geigy Corp.	4-21-78
OK 78 0006	Princep 80 W	Ciba-Geigy Corp.	4-20-78
OK 81 0001	Lorsban 4E	Dow Chemical USA	1-16-81
OK 81 0002	Lorsban 15G	Dow Chemical USA	1-16-81
Oregon			
OR 76 0031	Dow Tordon 155 Mixture Brush Killer	Dow Chemical USA	8-19-76
OR 77 0016	Bravo 6-F	Biotech/Diamond Shamrock Corp.	3-23-77
OR 77 0024	Aatrex 4L Brand Atrazine	Ciba-Geigy Corp.	4-13-77
OR 77 0029	Daconil 2767 Flowable Fungicide	Biotech/Diamond Shamrock Corp.	6-7-77
OR 77 0056	Dow General Weed Killer	Dow Chemical USA	9-9-77

Special local need registration No.	Product name	Registrant	Date registered
OR 78 0019	Bravo 500	Biotech/Diamond Shamrock Corp.	4-7-78
OR 78 0032	Lorsban 4E	Dow Chemical USA	6-26-78
OR 78 0039	Princep 80W	Ciba-Geigy Corp.	7-21-78
OR 78 0040	Princep 4L Herbicide	Ciba-Geigy Corp.	7-21-78
OR 80 0032	Lorsban 4E	Dow Chemical USA	4-4-80
OR 80 0033	Lorsban 15G	Dow Chemical USA	4-4-80
OR 80 0098	Aatrex 4LC	Ciba-Geigy Corp.	12-30-80
Pennsylvania			
PA 78 0002	Bravo 500	Biotech/Diamond Shamrock Corp.	5-4-78
PA 78 0010	Bravo 500	Biotech/Diamond Shamrock Corp.	6-6-78
South Carolina			
SC 79 0015	Lorsban 15G Granular	Dow Chemical USA	4-29-79
SC 79 0016	Lorsban 4E	Dow Chemical USA	4-24-79
SC 81 0003	Lorsban 4E	Dow Chemical USA	3-23-81
Texas			
TX 78 0007	Bravo 6F	Biotech/Diamond Shamrock Corp.	5-19-78
TX 77 0013	Bravo 6F	Biotech/Diamond Shamrock Corp.	5-17-77
TX 79 0021	Bravo 500	Biotech/Diamond Shamrock Corp.	5-23-79
TX 80 0022	Bravo 500	Biotech/Diamond Shamrock Corp.	7-25-80
Tennessee			
TN 77 0003	DSMA Liquid	Biotech/Diamond Shamrock Corp.	5-05-77
TN 77 0004	Diamond Bueno 6	Biotech/Diamond Shamrock Corp.	5-05-77
TN 78 0003	Dursban 4E	Dow Chemical USA	1-31-78
TN 81 0001	Amine 4-D	Biotech/Diamond Shamrock Corp.	1-08-81
TN 81 0002	Amine 6-D Weed Killer	Biotech/Diamond Shamrock Corp.	1-08-81
Utah			
UT 78 0004	Tordon 22 K Weed Killer	Dow Chemical USA	5-15-78
UT 78 0007	Bravo 500	Biotech/Diamond Shamrock Corp.	11-27-78
UT 79 0005	Dursban 44	Dow Chemical USA	2-05-79
UT 81 0013	Rabon Vrai Larvacide 7.76 Premix	Biotech/Diamond Shamrock Corp.	5-12-81
Virginia			
VA 76 0009	Premerge Dinitro Weed Killer	Dow Chemical USA	5-27-76
VA 76 0010	Premerge 3 Dinitro Amine Herbicide	Dow Chemical USA	5-28-76
VA 78 0017	Bravo 500	Biotech/Diamond Shamrock Corp.	6-07-78
Washington			
WA 76 0011	Lorsban 4E	Dow Chemical USA	5-07-76
WA 76 0016	Tordon 22K Weed Killer	Dow Chemical USA	5-21-76
WA 76 0029	Dursban M	Dow Chemical USA	10-04-76
WA 77 0032	Bravo 500 Agricultural Fungicide	Biotech/Diamond Shamrock Corp.	6-30-77
WA 77 0038	Bravo 500	Biotech/Diamond Shamrock Corp.	7-09-77
WA 77 0039	Aatrex 4L Brand Atrazine	Ciba-Geigy Corp.	8-05-77
WA 77 0051	Dow General Weed Killer	Dow Chemical USA	9-13-77
WA 78 0024	Princep 80W	Ciba-Geigy Corp.	4-17-77
WA 78 0024	Princep 4L Herbicide	Ciba-Geigy Corp.	4-17-77
West Virginia			
WV 82 0005	Wil-Kil Rat and Mouse Bait	Bell Labs., Inc.	5-12-82
Wisconsin			
WI 76 0001	Tolban 4E	Ciba-Geigy Corp.	3-25-76
Wyoming			
WY 80 0002	Cowcill A-40 Antimicrobial	Dow Chemical USA	2-27-78

Cancellation of these section 24(c) registrations shall be effective July 20, 1984. Any sale or distribution by the registrant of the product bearing the section 24(c) label after this date will violate FIFRA section 12(a)(2)(K). EPA will not consider it a violation of FIFRA for distributors other than the registrant to sell or distribute existing stocks of any of these cancelled products bearing the section 24(c) label. It should be

noted, however, that such sale or distribution may not be permitted by applicable State law.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP 240043]" and the specific section 24(c) registration number. Any comments filed regarding this notice will be available for public inspection in Rm. 236 CM# 2, at the above address from 9

a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA, as amended, 86 Stat. 973, 89 Stat. 751)

Dated: June 1, 1984.

Susan H. Sherman,
Acting Director, Office of Pesticide Programs.

[FR Doc. 84-15856 Filed 6-19-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573.

FMC Applicants (Contd.)

Avandero (USA), Inc., 260 West Broadway, Unit 2B, New York, NY 10013, Officer: Edward S. Simioni, President

Eugene Kim (Old Name: Yoo-Jin-Kim), 14811 Donegal Drive, Garden Grove, CA 92644

By the Federal Maritime Commission.

Dated: June 14, 1984.

Francis C. Hurney,
Secretary.

[FR Doc. 84-16492 Filed 6-19-84; 8:45 am]

BILLING CODE 6730-01-M

Approval of Agreement

Agreement No.: 3868.

Title: The United States Atlantic and Gulf Panama Freight Conference.

Parties: Sea-Land Service, Inc.

Synopsis: The Commission has been notified of the effective resignation of Lykes Bros. Steamship Co., Inc. from Agreement No. 3868. Inasmuch as this reduces the active membership of the agreement to a single party, the Commission gives notice that it will terminate its prior approval of Agreement No. 3868, effective June 30, 1984, the effective date of Lykes Bros. Steamship Co., Inc.'s resignation.

Filing Party: Mr. R. J. Finnan, Lykes Bros. Steamship Co., Inc. 300 Poydras Street, New Orleans, Louisiana 70130.

By Order of the Federal Maritime Commission.

Dated: June 15, 1984.

Francis C. Hurney,
Secretary.

[FR Doc. 84-16493 Filed 6-19-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

First West Chester Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 142(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 12, 1984.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *First West Chester Corporation*, West Chester, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of West Chester, West Chester, Pennsylvania.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Barnett Banks of Florida, Inc.*, Jacksonville, Florida; to acquire 100 percent of the voting shares of Barnett Banks of Citrus County, N.A., Inverness, Florida.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Elmore City Bancshares, Inc.*, Elmore City, Oklahoma; to become a bank holding company by acquiring at least 80 percent of the voting shares of First State Bank, Elmore City, Oklahoma.

D. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President)

400 South Akard Street, Dallas, Texas 75222:

1. *Consolidated Bancorp, Inc.*, Waco, Texas; to acquire 100 percent of the voting shares of First Consolidated Bank-Pleasant Run Road, N.A., Lancaster, Texas, a *de novo* bank.

2. *Hopkins County First Financial Services Corporation*, Sulphur Springs, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank of Sulphur Springs, Sulphur Springs, Texas.

3. *Pan American Bancorp, Inc.*, Dallas, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Pan American National Bank of Dallas, Dallas, Texas.

Board of Governors of the Federal Reserve System, June 14, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-16389 Filed 6-19-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84F-0194]

American Cyanamid Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that American Cyanamid Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of glyoxal-urea-formaldehyde condensate as a component of paper and paperboard intended for use in contact with dry food.

FOR FURTHER INFORMATION CONTACT: Michael E. Kashtock, Center for Food Safety and Applied Nutrition (formerly Bureau of Foods) (HFF-334), Food and Drug Administration, 200 C. St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4B3802) has been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that the food additive regulations be amended to provide for the safe use of glyoxal-urea-formaldehyde condensate as a component of paper and paperboard intended for use in contact with dry food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 11, 1984.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84-16309 Filed 6-19-84; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

[BDM-008-N]

Medicare Program; Economic Index for Physicians' Services for the Period July 1, 1984 Through June 30, 1985

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice sets forth the economic index used in the calculation of prevailing charges for physicians' services under Part B of Medicare (title XVIII of the Social Security Act). The Medicare statute and regulations require that the calculation of these charges be subject to a limit based on appropriate indicators of economic change. The economic index used for this purpose is 2.132 for the period July 1, 1984 through June 30, 1985. This is an increase of 3.34 percent over the economic index of 2.063 that was used for the previous 12 months.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Susan Kunkel, (301) 594-1023.

SUPPLEMENTARY INFORMATION:

Background

Payment under Medicare Part B for a physician's service is based on a reasonable charge which may not exceed the lowest of (1) the physician's actual charge for the service, (2) his or her customary charge for that service, or (3) the prevailing charges of physicians for similar services in the locality. The prevailing charge for a service, before adjustment for the economic index, is calculated at the 75th percentile of physician customary charges. Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) and HCFA regulations at 42 CFR 405.504 require further that the prevailing charge for a

service in a locality not exceed the level in effect for that service in the locality on June 30, 1973, except to the extent justified on the basis of appropriate indicators of economic change.

42 CFR 405.504 establishes an economic index for this purpose, consisting of two components: One measuring increases in general earnings level (attributable to factors other than increases in productivity) and the other measuring increases in expenses of the kind incurred by physicians.

Calculating the Economic Index

The Senate Finance Committee Report on the Social Security Amendments of 1972 (Pub. L. 92-603) explained that the economic index is intended to reflect inflationary trends accurately. See, generally, Senate Report No. 92-1230, 92nd Cong. 2nd Session (1972), pages 190-194. The economic index is based on changes in expenses of office practice incurred by physicians and general earnings levels.

To obtain information on income and expenses, HCFA contracted for a national survey of physicians. The survey was based on a national probability sample of physicians, and the results are representative of the distribution of physicians in the United States. After HCFA verified the contractor's analysis of the data, we determined that the expenses of medical practice for physicians account for approximately 40 percent of the gross income of practice, and net income accounts for approximately 60 percent.

The analysis of the data also included the calculation of weights for each type of practice expense by determining the ratio of the expense of each element to total practice expenses. (For example, the cost of office space is 23 percent of all practice expenses.) The physician practice expense portion is currently composed of six components: (1) Salaries and wages; (2) office space; (3) drugs and supplies; (4) automobile expense; (5) malpractice insurance premiums; and (6) other expenses.

Various indices are used to estimate price changes for those components (see Table A). The salaries and wages component is based on the Bureau of Labor Statistics (BLS) index of hourly earnings of nonsupervisory workers in finance, insurance, and real estate. The office space component is based on the housing component of the Consumer Price Index (CPI). The drugs and supplies component is based on the drugs and pharmaceutical component of the Producer Price Index (PPI). Automobile expense is based on the private transportation component of the CPI. The other expenses component is

based on the entire CPI, and covers costs for items such as insurance other than malpractice, depreciation on medical equipment, attorneys' fees, accountants' fees, entertainment, travel, food and lodging while away from home, office furniture and decorations, and other incidental expenses.

When the economic index was originally promulgated, malpractice premium expenses were not included as a separate component of the physician practice expense portion of the economic index. (The original economic index had included malpractice as part of the Other Expenses category tied to the CPI). However, in 1975, as a result of increases in premium rates, malpractice insurance premiums began to constitute a significantly greater share of physicians' office practice costs. As a result, we decided to include malpractice premiums as a separate component of the economic index. Data used in calculating the initial malpractice component was acquired from a survey of the major malpractice insurers. Comparable surveys have been conducted annually to update the malpractice insurance premium component.

Increases in general earnings levels have been addressed through the inclusion of the BLS index of average weekly earnings of nonagricultural production and nonsupervisory workers. This index is modified by excluding increases in workers' productivity. This modification precludes duplicative changes in earnings resulting from increases in productivity.

Items 1 through 6 in Table B are the elements used in computing the increase in the physicians' expenses component of the economic index. Item 9, the net income component, is derived from information contained in items 7 and 8 and reflects increases in general earnings levels exclusive of productivity increases.

The principal source of the increase values used for each component is the data on labor statistics for calendar year 1983 as set forth in the Current Labor Statistics section of the April 1984 issue of *The Monthly Labor Review*, published by the U.S. Department of Labor. The increase for each element and component from 1982 to 1983 was calculated on the basis of these data and their weighted values were summed. This yielded an increase factor of 1.0347 (see Table C). That factor, multiplied by the economic index for the period ending June 30, 1984 (see 48 FR 30459-30461, July 1, 1983) adjusted as explained below (2.0601), resulted in the new economic index of 2.132. This

means that the prevailing charges for physicians' services to be used during the 12-month period beginning July 1, 1984, may not exceed the prevailing charges in effect on June 30, 1973 by more than 113.2 percent.

Because the Bureau of Labor Statistics has periodically retroactively revised some of the statistics and data on which earlier economic indexes were based, it was necessary for us to recompute some of the values and ratios for earlier years in order to obtain an accurate index for the current year. As a result, the economic index for July 1, 1983 through June 30, 1984, was adjusted from 2.063 to 2.0601. Table C sets forth the revised

values for that year and the preceding years.

It should be noted that, although we have recalculated prior years indexes, this does not change the applicability of the earlier indexes as published. Rather, prior year figures were recalculated only to reflect newly available data in order to prepare an accurate index for the period beginning July 1, 1984. Thus the effective increase in the economic index is 3.34 percent above the index used for the previous 12-month period.

Regulatory Impact Statement

As noted above, the economic index for physicians' services for the period

July 1, 1984 through June 30, 1985 is 3.34 percent higher than the index of 2.063 that was used for the previous 12 months. We estimate that this will result in a \$225 million increase in payments over what would have been paid without this update.

This notice of the economic index announces an increase required by section 1842(b)(3) of the Act, and does not alter any regulations or policy. Therefore, no analyses are required under Executive Order 12291 or the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), and the Administrator so certifies.

TABLE A.—COMPONENT VALUES OF THE ECONOMIC INDEX¹

	1971 base value	1974 value	1975 value	1976 value	1977 value	1978 value	1979 value	1980 value	1981 value	1982 value	1983 value
1. Hourly earnings of nonsupervisory workers in finance, insurance, and real estate.....	3.22	3.77	4.06	4.27	4.54	4.89	5.27	5.79	6.31	6.78	7.30
2. Housing component of the Consumer Price Index.....	123.4	148.8	164.5	174.6	186.5	202.6	227.5	263.2	293.2	314.7	322.0
3. Private transportation component of the Consumer Price Index.....	116.6	136.6	149.8	164.8	176.8	185.3	212.9	250.1	279.4	290.1	296.6
4. Drugs and pharmaceutical component of the Producer Price Index.....	102.4	112.7	126.6	134.0	140.5	148.1	159.4	174.5	193.5	210.1	226.2
5. All other, miscellaneous, expenses (tied to the entire Consumer Price Index).....	121.3	147.7	161.2	170.5	181.5	195.3	217.7	247.0	272.3	288.6	297.4
6. Premiums for malpractice insurance.....											
7. Average weekly earnings of production and nonsupervisory workers.....	127.31	154.76	163.53	175.45	189.00	203.70	219.91	235.10	255.20	266.92	280.35
8. Index of output per man hour of employed nonfarm workers ²	89.7	92.9	94.7	97.8	100.0	100.6	99.1	98.4	100.3	100.2	103.4

¹ All component values of the economic index except line 6 are from the Monthly Labor Review published by the U.S. Department of Labor, Bureau of Labor Statistics.

² BLS revised the values of this line since the time of the previous announcement of the economic index.

TABLE B.—INCREASE VALUES OF THE COMPONENTS OF THE ECONOMIC INDEX

	Ratio ¹ of 1974 values to 1971 values	Ratio ² of 1975 values to 1974 values	Ratio ³ of 1976 values to 1975 values	Ratio ⁴ of 1977 values to 1976 values	Ratio ⁵ of 1978 values to 1977 values	Ratio ⁶ of 1979 values to 1978 values	Ratio ⁷ of 1980 values to 1979 values	Ratio ⁸ of 1981 values to 1980 values	Ratio ⁹ of 1982 values to 1981 values	Ratio ¹⁰ of 1983 values to 1982 values
1. Hourly earnings of non-supervisory workers in finance, insurance, & real estate.....	1.1708	1.0769	1.0517	1.0632	1.0771	1.0777	1.0987	1.0898	1.0745	1.0767
2. Housing component of the consumer price index.....	1.2058	1.1055	1.0614	1.0682	1.0863	1.1229	1.1569	1.1140	1.0733	1.0232
3. Private transportation component of the consumer price index.....	1.1715	1.0966	1.0988	1.0729	1.0493	1.1469	1.1747	1.1172	1.0383	1.0224
4. Drugs & pharmaceutical component of the producer price index.....	1.1006	1.1233	1.0585	1.0485	1.0541	1.0763	1.0947	1.1069	1.0858	1.0766
5. All other, miscellaneous, expenses (tied to the entire consumer price index).....	1.2176	1.0914	1.0577	1.0645	1.0760	1.1147	1.1346	1.1024	1.0599	1.0305
6. Premiums for malpractice insurance ¹		1.84	1.417	1.103	1.0085	.9210	1.0526	1.2357	1.1481	1.0888
7. Average weekly earnings of production & nonsupervisory workers.....	1.2156	1.0567	1.0729	1.0772	1.0778	1.0796	1.0691	1.0655	1.0459	1.0503
8. Index of output per man hour of employed nonfarm workers.....	1.0357	1.0194	1.0327	1.0225	1.0060	.9851	.9929	1.0193	.9990	1.0319
9. Change in average weekly earnings net of change in output per man hour.....	1.1737	1.0366	1.0389	1.0535	1.0714	1.0959	1.0767	1.0649	1.0469	1.0178

¹ The weights, excluding the malpractice component, were derived from *Medical Economics* (November 20, 1972) and *Profile of Medical Practice* (1974 edition). The values are 0.37, 0.14, 0.06, 0.09, and 0.34 for components one through five, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physician's earnings was used.

² The weights, including the malpractice component, were derived from *Medical Economics* (December 8, 1975) and *Profile of Medical Practice* (1974 edition). The values are 0.37, 0.15, 0.07, 0.09, 0.28 and 0.04 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physician's earnings was used.

³ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1977. The values are 0.43, 0.10, 0.05, 0.08, 0.27, and 0.07 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physician's earnings was used.

⁴ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1980. The values are 0.44, 0.22, 0.06, 0.11, 0.04, and 0.13 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physician's earnings was used.

⁵ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1981. The values are 0.43, 0.25, 0.07, 0.10, 0.04, and 0.11 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physician's earnings was used.

⁶ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1982. The values are 0.47, 0.23, 0.07, 0.09, 0.04, 0.10, for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physician's earnings was used.

⁷ Derived from a survey of several major insurers.

TABLE C.—DETERMINATION OF THE ECONOMIC INDEX FOR THE PERIOD JULY 1984 THROUGH JUNE 1985

12-mo period ending June 30	Increase factor of the economic index for the period	Economic index for the period adjusted for revision in BLS statistics
1976		1.1784
1977	1.0705	1.2615
1978	1.0564	1.3326
1979	1.0566	1.4107
1980	1.0707	1.5104
1981	1.0867	1.6414
1982	1.0918	1.7921
1983	1.0646	1.9437
1984	1.0599	2.0601
1985	1.0347	2.1316

(Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u))

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: June 8, 1984.

Carolyn K. Davis,
Administrator, Health Care Financing Administration.

[FR Doc. 84-16394 Filed 6-19-84; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Finding Against Federal Acknowledgment of the Principal Creek Indian Nation East of the Mississippi.

June 12, 1984.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.9(f), notice is hereby given that the Assistant Secretary proposes to decline to acknowledge that the Principal Creek Indian Nation East of the Mississippi, c/o Mr. Arthur Turner, P.O. Box 201, Florala, Alabama 36442, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group does not meet three of the criteria set forth in 25 CFR 83.7 and therefore, does not meet the requirements necessary for a government-to-government relationship with the United States.

The Principal Creek Indian Nation East of the Mississippi is an organization of Creek descendants formed in 1969 at Florala, Alabama. The membership does not now and has not historically formed a community distinct from surrounding populations. It is not a formalization of a previously existing community and has no historical link, other than the descendancy of its members, with the historical Creek

Nation. It has only been identified as an Indian entity since its formation in 1969 and no identifications were found of predecessor communities. Membership has varied significantly during the organization's existence, being currently much narrower than when it was originally formed. Significant political authority or other political processes have not operated within the group since its formation and no antecedent leaders or community within which political processes might have operated were found to have existed.

The petitioner did submit copies of the group's governing documents which include a statement explaining how membership is being determined. The organization's membership is composed principally of descendants of one early Creek ancestor, Catherine McIntosh. Eighty-one percent of the group's membership has demonstrated or is expected to be able to demonstrate Creek Indian ancestry based on information now available. Other members may also be able to trace their ancestry; however, the petitioner did not submit sufficient information to verify their ancestry. Fewer than one percent of the membership are enrolled members of any other North American Indian tribe or group. The Principal Creek Indian Nation has not been the subject of congressional legislation which has expressly terminated or forbidden a relationship with the United States.

Based on this preliminary factual determination, we conclude that the group meets criteria d, e, f, and g and does not meet criteria a, b, and c of § 83.7 of the Acknowledgment regulations.

Section 83.9(g) of the regulations provides that any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 days of the publication of this notice. Comments and requests for a copy of the proposed finding should be addressed to the Office of the Assistant Secretary—Indian Affairs, Department of the Interior, 18th & C Streets NW., Washington, DC 20245, Attention: Branch of Federal Acknowledgment.

After consideration of the written arguments and evidence rebutting the proposed finding and within 60 days after the expiration of the response period, the Assistant Secretary will publish his determination regarding the

petitioner's status in the Federal Register as provided in § 83.9(h).

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 84-16411 Filed 6-19-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[F-14929-A]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613, will be issued to Askinuk Corporation for approximately 1,246 acres. The lands involved are within T. 20 N., R. 90 W., Seward Meridian, Alaska.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in THE TUNDRA DRUMS. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (961), 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy

of the decision by regular mail which is not certified, return receipt requested, shall have until July 20, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Askinuk Corporation, Scammon Bay, Alaska 99662

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

Ruth Stockie,
Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 84-15373 Filed 6-19-84; 8:45 am]
BILLING CODE 4310-JA-M

Rawlins District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Rawlins District Office, Rawlins, Wyoming, Interior.

ACTION: Meeting of the Rawlins District Grazing Advisory Board.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-463 and 94-579 that a meeting of the Rawlins District Grazing Advisory Board will be held. This meeting will consist of a field trip to the Muddy Creek and adjacent areas of the Rawlins District.

DATE: July 26, 1984.

ADDRESS: Rawlins District Office, 1300 3rd Street, Rawlins, Wyoming.

FOR FURTHER INFORMATION CONTACT: David J. Walter, District Manager, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301, (307) 324-7171.

SUPPLEMENTARY INFORMATION: The purpose of the field trip is to review the Muddy Creek watershed improvement project and to review access problems in adjacent checkerboard land pattern areas. Other items to be discussed during this meeting include:

- (1) Status update of the Grieve Stewardship project.
- (2) Election of officers.

(3) Review of the proposed FY85 range improvement program.

(4) Stock driveway withdrawals.

This meeting/field trip is open to the public; however, interested persons must furnish their own 4-wheel drive transportation and lunch. Anyone interested in attending this meeting must notify the District Manager by July 18, 1984. Written statements may also be filed before the meeting for the Board's consideration.

David J. Walter,
District Manager.

[FR Doc. 84-15365 Filed 6-19-84; 8:45 am]
BILLING CODE 4310-22-M

Realty Action Non-competitive Sale of Public Lands in Power County, Idaho

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: Based on public support land use plans, the following lands have been examined and identified for disposal under Sec. 203(a) of the Federal Land Policy and Management Act of 1976, for no less than appraised fair market value (FMV).

Parcel	Legal description	Acres
I-19729	T. 6 S., R. 29 E., Boise Meridian, sec. 5, SW 1/4 NE 1/4	40
I-20356	T. 6 S., R. 29 E., Boise Meridian, Sec. 6, SE 1/4 NW 1/4	40

The appraisals will be available at the Idaho Falls District Office after August 1, 1984.

These lands will be offered by direct sale to Clair Rudeen based on historic use and ownership of all lands bordering this parcel. Failure of Clair Rudeen to submit the required amount by September 4, 1984, will result in cancellation of the sale to him. Should the land not be sold by September 4, 1984, the land will then be offered using competitive bidding procedures. Sealed bids only will be accepted until October 15, 1984, and opened on October 16, at 10:00 a.m. at the Idaho Falls District BLM Office, 940 Lincoln Road, Idaho Falls, Idaho. If no sealed bids are received at that time, this sale will be cancelled.

Upon publication of this Notice in the Federal Register, the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold.

These parcels will be sold as described by the Government Land Office Survey of May 15, 1912.

The lands will be subject to the following reservations when patented:

1. Right-of-Way reservation to the United States for ditches and canals (43 U.S.C. 945).
2. All leasable minerals.
3. All valid existing rights and reservations of record.

Bids received will also constitute an application for non-leasable minerals of no known mineral value. The declared high bidder will be required to deposit a \$50 non-refundable filing fee in addition to the bid in order to process the conveyance. Failure to do so will result in disqualification as the high bidder.

This Notice of Realty Action will allow for a 45-day comment period for the planning document addressing the sale of the above described parcels. This document is entitled "Big Desert MFP Amendment." This amendment is currently being reviewed by the Governor's Office for consistency with State and local planning by the Governor's Office for consistency with State and local planning. It is available for review in the District Office. The subject lands will not be offered for sale until such time that the Governor's review is complete and any comments or protests are resolved.

Additional information concerning these parcels, terms and conditions of the sale, and bidding instructions should be obtained by contacting Barbara Klingenberg, realty specialist, or Diane Roberts, legal clerk at the District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401 or by calling (208) 529-1020 during office hours.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager at the above address.

Dated: June 12, 1984.

O'dell A. Frandsen,
District Manager.

[FR Doc. 84-15301 Filed 6-19-84; 8:45 am]
BILLING CODE 4310-GG-M

[INT DEIS 84-26]

Availability of Draft John Day Resource Management Plan and Environmental Impact Statement and Public Meetings, Burns District, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability and Public Meetings for Draft John Day

Resource Management Plan and Draft Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and section 202(a) of the Federal Land Policy and Management Act of 1976, the Department of the Interior has prepared a Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) for 182,120 acres of BLM-administered lands within the John Day Planning Area encompassing Grant and the northern portion of Harney Counties in Oregon.

Notice is hereby given that the Draft John Day Resource Management Plan and Environmental Impact Statement is available for public review and comment.

The Department of the Interior invites written comments on the adequacy of the draft plan and statement. Notice is also given that two public meetings will be held to answer questions on the draft plan and statement.

SUPPLEMENTARY INFORMATION: The major issues addressed in the RMP are: (1) Forest Management; (2) Forage Use; and (3) Land Ownership Adjustment.

The proposed Action (Preferred Alternative) concerns multiple-use management on 182,120 acres of BLM-administered lands in the John Day Planning Area. The three major issues would be addressed as follows:

1. *Forest Management*—The intensity of management on forestlands would be altered to provide consideration of critical wildlife forage and cover areas, streams supporting fish and important visual resource areas.

2. *Forage Use*—Forage use by livestock would continue at the current level, 25,323 Animal Unit Months (AUMs). Forage available to wildlife would continue at the current level. The wild horse population and their total forage use would remain unchanged but the percentage of the total herd area on BLM lands would be reduced from 24% to 11%. Livestock grazing use in riparian zones would be coordinated to facilitate improvement of riparian vegetation condition along 28.5 stream miles in Improvement (I) category allotments. Forage conditions would be improved through vegetative manipulation (prescribed burning and/or seeding) on approximately 6,295 acres in I category allotments.

3. *Land Ownership Adjustments*—Several hundred parcels ranging in size from 1 to 640 acres each, amounting to 5,240 acres would be offered for sale. An additional 16,000 acres may be available for disposal depending on a case-by-case analysis of significant big game habitat and forestry considerations.

Public land holdings would be consolidated through exchange.

Three alternatives are considered in addition to the Proposed Action. They are: Production of Commodities, Enhancement of Natural Resources and No Action (continuation of the existing situation). A discussion of the affected environment is briefly summarized and the environmental consequences occurring from the Proposed Action and each alternative are documented in the EIS.

FOR FURTHER INFORMATION CONTACT: Larry Morgan, Team Leader, Burns District Office, 74 South Alvord, Burns, Oregon 97720.

Copies of the DRMP/EIS are available for review at the following public libraries or obtainable at the following Bureau of Land Management offices:

Bureau of Land Management, Burns District Office, 74 South Alvord, Burns, OR 97720 (503) 573-5241

Bureau of Land Management, Oregon State Office (912), 825 NE. Multnomah Street, Portland, OR 97208 (503) 231-6274

Harney County Library, 80 West "D" Street, Burns, OR 97720 (503) 573-6670
Grant County Library, 507 S. Canyon Boulevard, John Day, OR 97845 (503) 575-1992

DATES: Written comments concerning issues pertinent to the John Day Draft RMP/EIS will be accepted during a 90-day public comment period ending September 13, 1984. All written comments should be sent to the Burns District Office, Oregon (see address above).

During this time, two public meetings have been scheduled:

July 25, 1984—7:00 P.M.—Harney County Courthouse, 450 N. Buena Vista, Burns, Oregon.

July 26, 1984—7:00 P.M.—Grant County Courthouse, Canyon City, Oregon.

Dated: June 5, 1984.

Joshua L. Warburton,
District Manager.

[FR Doc. 84-16396 Filed 6-19-84; 8:45 am]

BILLING CODE 4310-33-M

Bakersfield District, California; Designation of Area of Critical Environmental Concern, and Availability of Draft Management Plan and Environmental Assessment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public comment period and availability of draft

management plan and environmental assessment.

SUMMARY: Pursuant to the decision reached during the process of developing the Benton-Owens Valley Management Framework Plan (June 28, 1982), public lands in and around Fish Slough are being considered for designation as an Area of Critical Environmental Concern (ACEC). A draft management plan and environmental assessment for the ACEC have been prepared and are available for public review and comment.

SUPPLEMENTARY INFORMATION: Fish Slough is located in Inyo and Mono counties, in the Owens Valley, approximately seven miles north of Bishop, California. The proposed ACEC designation recognizes a number of significant resources values of the area, including endangered wildlife, sensitive plant species and populations, unique desert wetlands, significant cultural values, scenic quality, and the opportunity for primitive types of recreation.

The guidelines offered in the draft management plan are to minimize conflicts between the user public and the protection of all sensitive natural resources. Proposed use restriction include (1) limiting vehicle use to designated and/or existing roads and trails; (2) constructing a 200-acre livestock enclosure for wildlife habitat protection; and (3) limiting construction activities so as not to detract from the natural landscape characteristics. A cooperative livestock grazing program is proposed as well as establishing a monitoring program.

The Environmental Assessment of the designation of the public lands in and around Fish Slough as an ACEC analyzes the effects of the Proposed Action and three alternatives on public land resources in the area.

The alternatives considered are as follows:

Proposed Action—Designate the Fish Slough Valley, the entire surface watershed (western aquifer), and a portion of the northern aquifer as an ACEC. Designation of this 35,926-acre hydrologic basin would provide the most protection. Significant natural resources within Fish Slough would be protected, as would the aquifer which supports it.

Alternative 1—Designate only the Fish Slough Valley and surface watershed (western aquifer) as an ACEC. By not including a portion of the northern aquifer in the ACEC, significant natural resources within Fish

Slough may be negatively affected by groundwater drawdown.

Alternative 2—Designate only the Fish Slough Valley as an ACEC. Impacts would be similar to, and perhaps more extensive, than Alternative 1 since almost none of the groundwater aquifer which supports Fish Slough would be included in the ACEC.

Alternative 3—No Action—Current management practices would continue with no formal efforts to coordinate activities among responsible resource management agencies. The preservation and enhancement of the natural integrity of Fish Slough and its natural resources would be jeopardized.

For additional background, a summary of the special management provisions, and a description of the public lands within the proposed Action and Alternatives 1 and 2, refer to the draft management plan. Single copies of the draft management plan and environmental assessment may be obtained from the Bishop Resource Area, 873 North Main Street, Suite 201, Bishop, California 93514. These documents are also available for review at the following Bureau of Land Management offices:

Bakersfield District Office, 800 Truxtun Avenue, Room 311, Bakersfield, California 93301

Bishop Resource Area Office, 873 North Main Street, Suite 201, Bishop, California 93514

California State Office, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

DATES: Comments must be received by July 20, 1984.

ADDRESS: Written comments on the ACEC designation, draft management plan, or the environmental assessment should be sent to Area Manager, Bishop Resource Area, Bureau of Land Management, 873 North Main Street, Suite 201, Bishop, CA 93514.

FOR FURTHER INFORMATION CONTACT: Michael Aceituno, Fishery Biologist, California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, (916) 484-4701; or Jim Morrison, Area Manager, Bishop Resource Area, Bureau of Land Management, 873 North Main Street, Suite 201, Bishop, California 93514, (619) 872-4881.

Dated: June 8, 1984.

Robert D. Rheiner, Jr.,
District Manager.

[FR Doc. 84-18041 Filed 6-19-84; 8:45 am]
BILLING CODE 4310-40-M

National Public Lands Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the National Public Lands Advisory Council.

SUMMARY: Notice is hereby given that the National Public Lands Advisory Council will meet July 19-21, 1984. The meeting will be held at the MGM Grand Hotel, 2500 East Second Street, Reno, Nevada. Meeting hours on Thursday, July 19, will be from 8:00 to 9:30 a.m., followed by a Council field tour of BLM's Palomino Valley wild horse and burro adoption center; the meeting will resume at the MGM Grand from 1:30 to 5:00 p.m. On Friday, July 20, the meeting hours will be 8:00 a.m. to 5:00 p.m., and on Saturday, July 21, the meeting hours will be 8:00 a.m. to 2:30 p.m. The proposed agenda for the 3-day meeting is:

Thursday, July 19: Morning: Address by Interior Secretary's Special Assistant; Update on Interior Department programs and initiatives by Assistant Secretary for Land and Minerals Management; Field tour of Palomino Valley Corral. **Afternoon:** Presentation on Projects BOLD; Meetings of Council subcommittees (Energy and Minerals, Renewable Resources, Lands, and Administrative/Legislative).

Friday, July 20: Morning: Panel discussion on wild horse and burro program; Panel discussion on Experimental Stewardship Program and Cooperative Management Agreements; Report on grazing fees.

Afternoon: Address by Under Secretary of the Interior; Public statement period; Report on previous Council resolutions and setting of dates and locations for future Council sessions; Meetings of Council subcommittees.

Saturday, July 21: Morning: Presentation on cadastral survey program; Discussion of subcommittee recommendations and consideration of Council resolutions.

Afternoon: Continued discussion and action on Council resolutions.

All meetings of the Council will be open to the public. Opportunity will be provided for members of the public to make oral statements to the Council, beginning at 1:30 p.m., Friday, July 20. Speakers should address specific national public lands issues on the meeting agenda and are encouraged to submit a copy of their written testimony prior to oral delivery. Please send written comments by July 13 to BLM's Nevada State Office at the address

listed below. Depending on the number of people who wish to address the Council, it may be necessary to limit the length of oral presentations.

DATES: July 19, 20, and 21—Council Meeting. July 20—Public Statements.

ADDRESS: Copies of public statements should be mailed by July 13 to: Director, Nevada State Office (910), Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Karen Slater, Washington, D.C. Office, BLM, Telephone (202) 343-2054; or Bob Stewart, Public Affairs Chief, Nevada State Office, BLM, Telephone (702) 784-5311.

SUPPLEMENTARY INFORMATION: The Council advises the Secretary of the Interior through the Director, Bureau of Land Management, regarding policies and programs of the national scope related to public lands and resources under the jurisdiction of the Bureau.

June 15, 1984.

Robert F. Burford,
Director.

[FR Doc. 84-18412 Filed 6-19-84; 8:45 am]
BILLING CODE 4310-84-M

[W-415, W-71805, W-71806, W-71809, W-71810]

Wyoming; Proposed Continuation of Withdrawal, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration proposes that 320 acres withdrawn for air navigation sites be continued for an additional 20 years. The lands will remain closed to surface entry and mining but have been and will remain open to mineral leasing.

DATE: Comments should be received by Sept. 18, 1984.

ADDRESS: Comments should be sent to: Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Scott Gilmer, Wyoming State Office, 307-772-2089.

The Federal Aviation Administration proposes that the existing land withdrawn by the Secretarial Orders of December 27, 1937, August 22, 1947, and May 26, 1948, Bureau of Land Management Order of March 10, 1952, and PLO 4177 of March 9, 1967, be continued for a period of 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of

1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Sixth Principal Meridian, Wyoming

- T. 36 N., R. 79 W.,
 Sec. 13, W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 21 N., R. 86 W.,
 Sec. 10, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 21 N., R. 90 W.,
 Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 16 N., R. 115 W.,
 Sec. 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 320 acres in Natrona, Carbon, Sweetwater, and Uinta Counties, Wyoming.

The purpose of these withdrawals is to protect the air navigation facilities at the sites. The withdrawals segregate the lands from the operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawals may present their views in writing to the Chief, Branch of Land Resources, in the Wyoming State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued, and if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: June 8, 1984.

P.D. Leonard,

Associate State Director, Wyoming.

[FR Doc. 84-16408 Filed 6-19-84; 8:45 am]

BILLING CODE 4310-22-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Intent To Prepare a Comprehensive Environmental Impact Statement on Decisions on Permit Applications for Surface Coal Mining in Tennessee and To Hold Public Scoping Meetings

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of intent to prepare a comprehensive environmental impact statement and to hold public scoping meetings.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) has determined that decisions individually and collectively on the approval or disapproval of permit applications under the proposed Federal program for the State of Tennessee constitute a major Federal action significantly affecting the quality of the human environment as defined by the National Environmental Policy Act of 1969 (NEPA) and accordingly is preparing a comprehensive environmental impact statement (EIS).

The purpose of this comprehensive EIS is to provide NEPA compliance coverage for all decisions taken individually and collectively on permit applications for existing and pending operations in Tennessee. In addition, the EIS will form the basis for NEPA compliance for as many future operations as can be reasonably projected.

The major alternatives thus far identified for consideration in the draft EIS are described in the supplementary information section of this notice. During the scoping period for this EIS, OSM is asking the public to identify additional alternatives and any significant issues related to the proposed action which should be analyzed in depth in the EIS.

DATES: *Written comments:* Must be received no later than 4 p.m., E.d.t., on July 27, 1984, at the address below. *Public scoping meeting:* July 9, 1984, at 7:30 p.m.

ADDRESSES: *Written comments:* Send to Dr. Mark Boster, Acting Chief, Division of Permit and Environmental Analysis, Office of Surface Mining, 1951 Constitution Avenue NW., Room 134, Washington, DC 20240. *Public scoping meeting:* Rockwood Public Library, 117 N. Front St., Rockwood, Tennessee.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Boster, Acting Chief, Division of Permit and Environmental Analysis, at the above Washington, D.C., address (telephone: 202-343-5854).

SUPPLEMENTARY INFORMATION:

Background

OSM will propose to promulgate, sometime in the near future, a Federal program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in the State of

Tennessee. Upon promulgation of a Federal regulatory program, the Secretary of the Interior becomes the regulatory authority. For further information see 49 FR 15496 (April 18, 1984).

Public Scoping Meetings

The public scoping meeting to identify the relevant issues to be addressed by the EIS will be held at the time and place indicated under **DATES** and **ADDRESSES**, respectively.

The participation of the public and all interested government agencies is invited. Individual comments at the meetings will be limited to 15 minutes. A stenographer will be present to record all comments. Filing of a written statement at the time of giving oral comments would be helpful to OSM. Submission of written statements in advance of the meeting date, whenever possible, would greatly assist OSM officials who will attend the meeting. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked to clarify or elicit more specific information from the person commenting. The meetings will continue until all commentors have been heard.

Environmental Analysis

This EIS will cover decisions by OSM on permit applications for existing surface coal mining operations in the State of Tennessee as well as future operations to the extent that they can be projected.

The following alternatives will be evaluated in this EIS:

1. Approval of permit application packages with necessary conditions (stipulations) to meet the requirements of the Surface Mining Control and Reclamation Act of 1977 and the approved Federal program for the State of Tennessee.

2. Disapproval of permit application packages.

3. No action.

Additional alternatives may be added to the EIS analysis as a result of public comments during the scoping period and the impact analyses.

Dated: June 15, 1984.

Mark Boster,

Acting Assistant Director, Technical Services and Research.

[FR Doc. 84-16482 Filed 6-19-84; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL TRADE COMMISSION

[332-185]

Assessment of the Effects of Barter and Countertrade Transactions on U.S. Industries

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) for the purpose of assessing the effects of barter and countertrade transactions on U.S. industries, and the scheduling of a hearing in connection therewith.

EFFECTIVE DATE: June 11, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald DeMarines, Machinery and Equipment Division, Office of Industries, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0259.

Background and Scope of Investigation

The Commission instituted the investigation on its own motion. Barter and countertrade transactions involving U.S. companies are rapidly expanding, particularly in North-South trade. Many Latin American, African, and Asian developing countries have or are in the process of instituting government mandated barter and counter-trade programs. Significant developments are occurring in the United States to assist U.S. companies facilitate countertrade commitments. Export trading companies, spurred in part by passage of the Export Trading Company Act, in-house countertrading organizations of multinationals, and special legal units of law firms specializing in international law are part of the evolving barter/countertrade service industry.

This study will assess the effects of the growing involvement of U.S. companies in international barter and countertrade transactions, examine the effects of such involvement on U.S. industries, provide data on the level of imports and exports and their sources and destinations, and examine the economic conditions that have created the tremendous demand for countertrade on the part of developing countries.

The Commission expects to complete its study by January 1985.

Public Hearing

A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., on November 14, 1984, to

be continued on November 15, if required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, November 7, 1984.

Written Submissions

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Written statements should be received by the close of business on November 9, 1984. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: June 11, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-10430 Filed 6-19-84; 8:45 am]

BILLING CODE 7020-02-M

[332-178]

U.S. Imports of Goods Manufactured by Convict, Forced, or Indentured Labor

AGENCY: United States International Trade Commission.

ACTION: Cancellation of hearing.

EFFECTIVE DATE: June 13, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Reuben Schwartz or Mr. Joseph Williams, Textiles, Leather Products, and Apparel Division, Office of Industries, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202-523-0114 or 202-523-5702, respectively.

Background

The Commission instituted the investigation, No. 332-178, following receipt on December 29, 1983, of a request therefore from the Senate

Committee on Finance. A public hearing was scheduled to be held in Washington, D.C. beginning July 10, 1984, in connection with the investigation. Because of the limited number of witnesses requesting an opportunity to testify, the Commission, on its own motion, has cancelled the hearing.

Written Submissions

In lieu of or in addition to appearance at the public hearing, interested persons were invited to submit written statements concerning the investigation no later than June 28, 1984. Because of the cancellation of the hearing, written submissions concerning the investigation will be received until August 1, 1984.

Notices of the institution of the investigation and of the July 10 hearing date were published in the *Federal Register* of February 6, 1984 (49 FR 4855).

Issued: June 14, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-10428 Filed 6-19-84; 5:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-189 (Preliminary)]

Calcium Hypochlorite From Japan

Determination

On the basis of the record¹ developed in investigation No. 731-TA-189 (Preliminary), the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured² by reason of imports from Japan of calcium hypochlorite, provided for in item 418.22 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On April 25, 1984, Olin Corp. of Stamford, Conn., the principal producer of the subject product in the United States, filed a petition with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that an industry in the United States is being materially injured or threatened with material injury by reason of LTFV

¹ The "record" is defined in 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

² Commissioner Stern also finds reasonable indication of threat of material injury.

imports of calcium hypochlorite from Japan. Accordingly, effective April 25, 1984, the Commission instituted antidumping investigation No. 731-TA-189 (Preliminary) under section 733(a) of the Act. Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the *Federal Register* on May 9, 1984, FR 19745). A public conference was held in Washington, D.C., on May 18, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on June 11, 1984. A public version of the Commission's report, *Calcium Hypochlorite from Japan* (investigation No. 731-TA-189 (Preliminary), USITC Publication 1540, 1984), contains the views of the Commission and information developed during the investigation.

Issued: June 11, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-16419 Filed 6-19-84; 8:45 am]
Billing Code 7020-02-M

[Investigation No. 731-TA-157 and 160
(Final)]

Carbon Steel Wire Rod From Argentina and Spain

AGENCY: United States International Trade Commission.

ACTION: In conformance with the determination of the International Trade Administration of the Department of Commerce to amend its schedule for the conduct of the referenced investigations (49 FR 22121, May 25, 1984 (Argentina); 49 FR 23208, June 5, 1984 (Spain)), the Commission hereby revises its schedule as follows: The prehearing conference will be held on September 19, 1984; the hearing will be held on September 25, 1984; and the Commission's final determination shall be issued on or before November 5, 1984.

EFFECTIVE DATE: June 11, 1983.

SUPPLEMENTARY INFORMATION: The Commission instituted final antidumping investigations with respect to Argentina, Poland (Inv. No. 731-TA-159), and Spain effective May 8, 1984, and scheduled as hearing to be held in connection with these investigations for July 31, 1984 (49 FR 22722, May 31, 1984). On May 25,

1984 (49 FR 22121) and June 5, 1984 (49 FR 23208), the Department of Commerce extended the investigations for Argentina and Spain, respectively, in response to requests from exporters in these countries. The effect of the extensions was to change the scheduled date for Commerce to make its final determinations from July 18, 1984, to September 20, 1984. Accordingly, the Commission is revising its schedule for Argentina and Spain to conform with Commerce's new schedule. The Commission's schedule for Poland remains unchanged.

The Commission's hearing for the rescheduled investigations, which was to have been held on July 31, 1984, has been rescheduled to begin at 10:00 a.m. on September 25, 1984, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on September 11, 1984. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on September 19, 1984, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is September 20, 1984. A public version of the prehearing staff report containing preliminary findings of fact in these investigations will be placed in the public record on September 5, 1984.

FOR FURTHER INFORMATION CONTACT: Larry Reavis (202-523-0296), Office of Investigations, U.S. International Trade Commission, Washington, D.C. 20436.

Issued June 11, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-16421 Filed 6-19-84; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-165]

Certain Alkaline Batteries; Commission Decision Not To Review Initial Determination Terminating Respondents on the Basis of Settlement Agreements

AGENCY: U.S. International Trade Commission.

ACTION: The Commission has determined not to review an initial determination (ID) to terminate Masel Supply Co. Corporation (Masel), Merchants Buying Syndicate (Merchants), and Web International Ltd.

(Web), as respondents in the above-captioned investigation on the basis of settlement agreements.

Authority: 19 U.S.C. 1337; 19 CFR 210.53(c) and (h)

SUPPLEMENTARY INFORMATION: On March 16, 1984, complainant Duracell, Inc. filed a motion (Motion No. 165-22) to terminate Masel, Merchants, and Web as respondents in the investigation on the basis of three settlement agreements.

On May 11, 1984, the presiding officer issued an ID (Order No. 23) granting the motion. The Commission received neither a petition for review of the ID nor comments from other Government agencies or the public.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, telephone 202-523-0499

Issued: June 12, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-16416 Filed 6-19-84; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-143]

Certain Amorphous Metal Alloys and Amorphous Metal Articles; Extension of Time for Commission Decision on Whether To Order Review of Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the date by which the Commission must decide whether to review the initial determination (ID) on the violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation has been changed from June 14, 1984, to July 6, 1984.

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53-210.57 of the Commission's Rules of Practice and Procedure (19 CFR 210.53-210.57 as amended by 48 FR 20226, 21115).

SUPPLEMENTARY INFORMATION: The presiding officer's ID on the violation of section 337 alleged in this investigation was filed on May 14, 1984. Under § 210.53(h) of the Commission's rules, the ID becomes the determination of the Commission within 30 days after the date of filing of the ID unless the Commission orders a review or extends the deadline for deciding whether to

review. The 30-day deadline prescribed by the rules would have been June 14, 1984. The Commission has determined to change the deadline to July 6, 1984, because of the complexity of the case and the number of petition for review filed by the parties.

Copies of the nonconfidential version of the initial determination, the petitions for review, the responses thereto, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: P.N. Smithy, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0350.

Issued: June 12, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-10417 Filed 6-19-84; 8:45 am]

Billing Code 7020-02-M

Certain Apparatus for Installing Electrical Lines and Components Therefor; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 14, 1984, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Scoggins Manufacturing, Inc., 1086 Gant Road, Graham North Carolina 27253. The complaint alleges unfair methods of competition and unfair acts in the importation of certain apparatus for installing electrical lines and components therefor into the United States, or in their sale, by reason of alleged (a) direct, contributory and induced infringement of the claims of U.S. Letters Patent 3,697,188; (b) contributory and induced infringement of the claims of U.S. Letters Patent 3,611,549; (c) infringement of complainant's common law trademark; (d) false advertising; and (e) unfair competition. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and

economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order and/or permanent cease and desist orders.

Authority: the authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.12).

Scope of Investigation.

Having considered the complaint, the U.S. International Trade Commission, on June 12, 1984, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain apparatus for installing electrical lines and components therefor into the United States, or in their sale, by reason of alleged (a) direct, contributory and induced infringement of the claims of U.S. Letters Patent 3,697,188; (b) contributory and induced infringement of the claims of U.S. Letters Patent 3,611, 549; (c) infringement of complainant's common law trademark; (d) false advertising; and (e) passing off, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice, of investigation shall be served:

(a) The complainant is—Scoggins Manufacturing, Inc. 1086 Gant Road Graham North Carolina 27253.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Canadian Flexi Drill 83 Harrington Crescent, Willowdale, Ontario, Canada M2M 2Y7.

Emergency Products Corps., 25 Eastmans Road, Parsippany, New Jersey 07054.

Alarm Supply Co., Inc., 12551 Globe Road, Livonia, Michigan 48150.

(c) Juan Cockburn, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 128, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

[Investigations Nos. 701-TA-205 through 207 (Final)]

Certain Carbon Steel Products From Brazil

Determinations

On the basis of the record¹ developed in the subject investigations, the Commission determines, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), that an industry in the United States is materially injured by reason of imports from Brazil of the following products, which have been found to be subsidized by the Government of Brazil: Carbon steel plate in coils (inv No. 701-TA-205 (Final)),² hot-rolled carbon steel sheet (inv No. 701-TA-206 (Final)),³ and cold-rolled carbon steel sheet (inv No. 701-TA-207 (Final)).^{4,5,6} In addition, pursuant to section 705(b)(4)(A) of the act (19 U.S.C. 1671d(b)(4)(A)), the Commission also determines that there is no material injury, which will be difficult to repair, by reason of massive imports of the subject products over a relatively short period of time.⁷

Background

The Commission instituted these investigations effective February 10, 1984, following preliminary determinations by the Department of Commerce that there was a reasonable basis to believe or suspect that subsidies were being provided to manufacturers, producers, or exporters in Brazil of the subject carbon steel products.

Notice of the institution of the Commission's investigations and of a hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary,

¹ The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

² For purposes of this investigation, carbon steel plate in coils is provided for in item 607.6610 of the Tariff Schedules of the United States Annotated (TSUSA).

³ For purposes of this investigation, hot-rolled carbon steel sheet is provided for in items 607.6710, 607.6720, 607.6730, 607.6740, 607.6320, or 607.6342 of the TSUSA.

⁴ For purposes of this investigation, cold-rolled carbon steel sheet is provided for in items 607.6320, 607.6350, 607.6355, or 607.6360 of the TSUSA.

⁵ Commissioner Stern determines that an industry in the United States is materially injured or threatened with material injury by reason of imports of subsidized cold-rolled carbon steel sheet from Brazil.

⁶ Commissioner Liebler did not participate.

⁷ The effect of this determination is that countervailing duties will be imposed on imports entered on or after February 10, 1984. Had the determination been affirmative, countervailing duties would have been imposed on imports entered 90 days prior to that date (see 19 U.S.C. 1671b(e)).

U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on March 14, 1984 (49 FR 9626). The hearing was held in Washington, D.C., on April 27, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on these investigations to the Secretary of Commerce on June 11, 1984. A public version of the Commission's report, **Certain Carbon Steel Products From Brazil**, (investigations Nos. 701-TA-205-207 (Final), USITC Publication 1538, June 1984) contains the views of the Commission and information developed during the investigations.

Issued: June 11, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-16420 Filed 6-19-84; 8:45 am]

BILLING CODE 7020-01-M

[Investigation No. 337-TA-195]

Certain Cloisonne Jewelry; Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge John J. Mathias as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: June 7, 1984.

Donald K. Duvall,
Chief Administrative Law Judge.

[FR Doc. 84-16422 Filed 6-19-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-187]

Certain Glass Construction Blocks

Notice is hereby given that the prehearing conference in this matter will commence at 9:00 a.m. on October 2, 1984, in Hearing Room 6311 at the Interstate Commerce Commission Building at 12th & Constitution Avenue NW., Washington, D.C., and the hearing will commence immediately thereafter.

The Secretary shall publish this notice in the **Federal Register**.

Issued: June 13, 1984.

Janet D. Saxon,
Administrative Law Judge.

[FR Doc. 84-16424 Filed 6-19-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-183]

Certain Indomethacin

Notice is hereby given that the prehearing conference in this matter will commence at 9:00 a.m. on September 4, 1984, in Hearing Room 6311 at the Interstate Commerce Commission Building at 12th & Constitution Avenue NW., Washington, D.C., and the hearing will commence immediately thereafter.

The Secretary shall publish this notice in the **Federal Register**.

Issued: June 13, 1984.

Janet D. Saxon,
Administrative Law Judge.

[FR Doc. 84-16426 Filed 6-19-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-173]

Certain Valves

Notice is hereby given that the prehearing conference in this proceeding scheduled for June 18, 1984, and the hearing scheduled to commence immediately thereafter (49 FR 19747) are cancelled.

The prehearing conference is rescheduled to commence at 9:00 a.m. on June 25, 1984, in room 6311 at the Interstate Commerce Commission Building at 12th & Constitution Avenue NW., Washington, D.C., and the hearing will commence immediately thereafter.

The Secretary shall publish this Notice in the **Federal Register**.

Issued: June 12, 1984.

Janet D. Saxon,
Administrative Law Judge.

[FR Doc. 84-16427 Filed 6-19-84; 8:45 am]

BILLING CODE 7020-02-M

Frozen Concentrated Orange Juice From Brazil; Request for Comments Concerning the Institution of a Section 751(b) Review Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Request for comments regarding the institution of a section 751(b) review investigation concerning the Commission's affirmative determination in investigation No. 701-TA-184 (Final), **Frozen Concentrated Orange Juice from Brazil**.

SUMMARY: The Commission invites comments from the public on whether changed circumstances exist which warrant the institution of an investigation pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)) to review the Commission's affirmative determination in

investigation No. 701-TA-184 (Final) regarding frozen concentrated orange juice from Brazil. The purpose of the proposed section 751(b) review investigation, if instituted, would be to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry would be materially retarded, by reason of imports of frozen concentrated orange juice from Brazil if the countervailing duty order is modified or revoked with respect to such merchandise, provided for in item 165.35 of the Tariff Schedules of the United States.

SUPPLEMENTARY INFORMATION: On July 14, 1983, the Commission determined, pursuant to section 705(b)(1) of the Tariff Act of 1930, that an industry in the United States is threatened with material injury by reason of imports of frozen concentrated orange juice which have been found by the Department of Commerce to be subsidized by the Government of Brazil.

On May 31, 1984, the Commission received a request to review its affirmative determination in investigation No. 701-TA-184 (Final). The request was filed pursuant to section 751(b) of the Tariff Act of 1930 by Wald, Harkrader & Ross on behalf of Sucocoitrico Cutrale S/A, Citrosuco Paulista S/A, and Cargill Industrial Ltda., Brazilian producers and exporters of frozen concentrated orange juice.

Written Comments Requested

Pursuant to § 207.45(b)(2) of the Commission's Rules of Practice and Procedure (19 CFR 207.45(b)(2)), the Commission requests public comments concerning whether the following alleged changed circumstances are sufficient to warrant institution of a review investigation: (1) The severe freeze in Florida over the Christmas 1983 weekend has sharply reduced U.S. producers' shipments of frozen concentrated orange juice; and (2) production in Brazil is too low to constitute a threat of material injury.

Additional Information

Under § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), the signed original and 14 true copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436. All comments must be filed no later than 30 days after the date of publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in

confidence must request business confidential treatment under § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Such request should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Each sheet must be clearly marked at the top "Confidential Business Data." The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection in the Office of the Secretary.

Copies of the request for review of the injury determination and any other public documents in this matter are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Abigail Eltzroth, Office of Investigations, U.S. International Trade Commission (202-523-0289).

Issued: June 11, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-10425 Filed 6-19-84; 8:45 am]
BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 308 (Sub-No. 8)]

Intrastate Rail Rate Authority—Indiana

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Decision.

SUMMARY: The Commission has extended the provisional certification of the Indiana Public Service Commission under 49 U.S.C. 11501(b) to regulate Indiana intrastate rail transportation. This extension will permit Indiana to modify its standards and procedures as required by the full decision.

DATES: Indiana's provisional certification will expire on August 20, 1984, unless prior to that date Indiana files the required revised standards and procedures.

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 decision, write T.S. InfoSystems, Inc., Room 2227, Interstate

Commerce Commission, Washington, DC 20423, or call 289-4357 (DC metropolitan area) or toll free (800) 424-5403.

Decided: May 7, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Andre. Chairman Taylor commented with a separate expression. Commissioner Gradison dissented in part with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 84-16467 Filed 6-19-84; 8:45 am]
BILLING CODE 7035-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co. (Calvert Cliffs Nuclear Power Plant Unit Nos. 1 and 2); Exemption

I

The Baltimore Gas and Electric Company (the licensee) is the holder of Facility Operation License Nos. DPR-53 and DPR-69 which authorize operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2. These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility comprises two pressurized water reactors at the licensee's site located in Calvert County, Maryland.

II

On February 22, 1983, the environmental qualification rule for electrical equipment important to safety for nuclear power plants, 10 CFR 50.49, became effective. Subsection (g) of 50.49 requires that each holder of an operating license issued prior to February 22, 1983, shall by May 20, 1983, identify the electrical equipment important to safety within the scope of the rule already qualified and submit a schedule for either the qualification or the replacement of remaining electrical equipment subject to the rule. This schedule must establish a goal of final environmental qualification of the electrical equipment by the end of the second refueling outage after March 21, 1982, or by March 31, 1985, whichever is earlier. The rule also provides that the Director of the Office of Nuclear Reactor Regulation may grant extensions of this deadline to a date no later than November 30, 1985, for specific pieces of equipment if requests are filed on a timely basis and demonstrate good cause for such an extension, such as

procurement lead time, task complications, and installation problems.

III

By letters dated May 14, 1984 and June 8, 1984, the licensee requested an extension of the dates specified in 10 CFR 50.49(g). Calvert Cliffs Unit 2 began the second refueling outage on April 21, 1984, which will end on June 23, 1984. In addition, the second refueling outage for Calvert Cliffs Unit 1 will begin after March 31, 1985; it is currently scheduled to begin during April 1985.

The equipment for which the licensee has requested extensions for the completion of environmental qualifications is described in the licensee's letters of May 14, 1984 and June 8, 1984. These items, identified following the beginning of the second refueling outage for Calvert Cliffs Unit 2, require no equipment modifications; the requested extension is for the purpose of completing the requisite documentation. The licensee's May 14, 1984 letter contains justifications for continued operation for this equipment. The letter concludes that there is a high degree of confidence that this equipment is environmentally qualified and that the requested extension is needed to complete the required documentation. We have reviewed the licensee's submittal and find that the licensee's reasons are appropriate. Therefore, good cause for a schedular extension of the rule exists based upon the lead time necessary to complete certain environmental qualification records for Units 1 and 2.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption:

Exemption is granted from the schedular requirement of § 50.49(g) to extend the required date of final environmental qualification of electrical equipment identified in the licensee letter of May 14, 1984 and June 8, 1984, to the dates given below:

SCHEDULE FOR COMPLETION OF ENVIRONMENTAL QUALIFICATION

Equipment	Applicability	Completion date
1. Hydrogen purge control valve motor.	Unit 2	July 31, 1984.
2. Motor control center.	Units 1 and 2	Apr. 30, 1985.

SCHEDULE FOR COMPLETION OF
ENVIRONMENTAL QUALIFICATION—Continued

Equipment	Applicability	Completion date
3. Hydrogen recombiner power supply panel.	Units 1 and 2....	Doc.

The Commission 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.

This Exemption is effective upon issuance.

Dated at Bethesda, Md., this 14th day of June 1984.

For the Nuclear Regulatory Commission,
Harold R. Denton,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 84-18457 Filed 6-19-84; 6:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co. (Zion Station, Unit Nos. 1 and 2); Order Confirming Licensee Commitments on Emergency Response Capability

I

Commonwealth Edison Company (CECo and/or the licensee) is the holder of Facility Operating License Nos. DPR-39 and DPR-48 which authorizes the operation of the Zion Station, Unit Nos. 1 and 2 (the facilities) at power levels not in excess of 3250 megawatts thermal. The facilities are pressurized water reactors (PWRs) located at the licensee's site in Zion, Illinois.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official

studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

- (1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and
- (2) A description of plans for phased implementation and integration of emergency response activities including training.

III

CECo responded to Generic Letter 82-33 by letter dated April 14, 1983. By letters dated July 20, 1983 and July 28, 1983, CECo modified several dates as a result of negotiations with the NRC staff. In these submittals, CECo made commitments to complete the basic requirements. The following Table summarizing CECo's scheduler commitments or status was developed by the NRC staff from the Generic Letter and the information provided by CECo.

CECo's commitments include (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed CECo's April 14, 1983 letter and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations, the licensee modified certain dates by letters dated July 20 and July 28, 1983. The NRC staff finds that the modified dates are reasonable, achievable dates for

meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of CECo's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that the licensees shall:

Implement the specific items described in the Attachment to this ORDER in the manner described in CECo's submittals noted in Section III herein no later than the dates of the Attachment.

Extensions of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

V

The license may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address.

A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Md., this 12th day of June 1984.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS)	1a. Submit a safety analysis and an implementation plan to the NRC.	Complete.
	1b. SPDS fully operational and operators trained	do.
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC.	do.
	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	May 1, 1986.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities.	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	Aug. 1, 1986.
	3b. Implement (installation or upgrade) requirements	Schedule will be provided by Feb. 1, 1987
4. Upgrade Emergency Operating Procedures (EOP's)	4a. Submit a Procedures Generation Package to the NRC.	Dec. 31, 1984.
	4b. Implement the upgraded EOP's	Dec. 31, 1985.
5. Emergency Response Facilities	5a. Technical Support Center fully functional	Complete. ¹
	5b. Operational Support Center fully functional	Complete.
	5c. Emergency Operations Facility fully functional	Complete. ¹

¹ The modifications and construction of the structures are complete, however, the Technical Support Center and Emergency Operations Facility are not considered fully functional until the change resulting from the R.G. 1.97 and human factors reviews are implemented and all testing and training are completed.

[FR Doc. 84-18458 Filed 6-19-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

**Indiana and Michigan Electric Co.
(Donald C. Cook Nuclear Plant Unit
Nos. 1 and 2); Order Confirming
Licensee Commitments on Emergency
Response Capability**

I

Indiana and Michigan Electric Company (IMEC) (the licensee) is the holder of Facility Operating Licenses No. DPR-58 and DPR-74 which authorizes the operation of the Donald C. Cook Nuclear Plant Unit Nos. 1 and 2 (the facilities). The facilities are pressurized water reactors (PWRs) located in Berrien County, Michigan.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

- (1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and
- (2) A description of plans for phased implementation and integration of emergency response activities including training.

III

IMEC responded to Generic Letter 82-33 by letter dated April 15, 1983. By letters dated August 2, 1983, January 30, 1984, and February 10, 1984, IMEC provided additional information and dates as a result of negotiations with the NRC staff. In these submittals, IMEC made commitments to complete the basic requirements by providing either a completion date for the item or an intermediate date for providing a commitment to a completion date. The intermediate dates (status dates) are based on IMEC target completion dates for the item. The following Table summarizing IMEC scheduler commitments or status was developed by the NRC staff from the Generic Letter and the information provided by IMEC.

IMEC commitments include (1) dates for providing required submittal to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed IMEC's April 15, 1983 letter and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations, the licensee provided additional information and dates by letters dated August 2, 1983, January 30, 1984, and February 10, 1984. The NRC staff finds that the target dates are reasonable, achievable dates for meeting the Commission requirements and that the intermediate dates (status dates) which are based on the schedules for the target dates are, therefore, also acceptable. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of IMEC's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective order.

IV

Accordingly, pursuant to sections 103, 161, 161a and 182 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 the licensee shall:

Implement the specific items described in the Attachment to this Order in the manner described in IMEC's submittals noted in Section III herein no later than the dates in the Attachment.

Extensions of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

V

The licensee may request a hearing on this Order within 20 days of the date of

publication of this Order in the Federal Register. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address. A REQUEST FOR HEARING SHALL NOT

STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee

should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Md., this 12th day of June 1984.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS).....	1a. Submit a safety analysis and an implementation plan to the NRC.....	Complete.
	1b. SPDS fully operational and operators trained.....	Provide completion date by April 1985.
2. Detailed Control Room Design Review (DCRDR).....	2a. Submit a program plan to the NRC.....	Complete.
	2b. Submit a summary report to the NRC including a proposed schedule for implementation.....	Provide completion date by September 1984.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities.....	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.....	February 1985.
	3b. Implement (installation or upgrade) requirements.....	Provide completion date by February 1985.
4. Upgrade Emergency Operating Procedures (EOP's).....	4a. Submit a Procedures Generation Package to the NRC.....	September 1984.
	4b. Implement the upgraded EOP's.....	December 1985.
5. Emergency Response Facilities.....	5a. Technical Support Center fully functional.....	Provide completion date by April 1985.
	5b. Operational Support Center fully functional.....	Do.
	5c. Emergency Operations Facility fully functional.....	Do.

[FR Doc. 84-16459 Filed 6-19-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-387]

Pennsylvania Power & Light Co. and Allegheny Electric Coop., Inc. (Susquehanna Steam Electric Station, Unit 1); Order Confirming Licensee Commitments on Emergency Response Capability

I

Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc. (the licensees) are the holders of Operating License No. NPF-14 which authorizes the operation of the Susquehanna Steam Electric Station, Unit 1 (the facility) at steady-state reactor power levels not in excess of 3293 megawatts thermal. The facility consists of a boiling water reactor (BWR) located in Luzerne County, Pennsylvania.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on experience from the

accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were required to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

(1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and

(2) A description of plans for phased implementation and integration of emergency response activities including training.

III

Pennsylvania Power & Light Company (PP&L) responded to Generic Letter 82-33 by letter dated April 15, 1983. By letters dated July 22, 1983, August 3, 1983, November 23, 1983, February 1,

1984, February 28, 1984, March 8, 1984, and March 14, 1984, PP&L modified several dates as a result of negotiations with the NRC staff. In these submittals, PP&L made commitments to complete the basic requirements. The following Table summarizing PP&L's scheduler commitments or status was developed by the NRC staff from the Generic Letter and the information provided by PP&L.

PP&L's commitments include (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed PP&L's April 15, 1983 letter and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations, the licensee modified certain dates by letters dated July 22, 1983, August 3, 1983, and November 23, 1983, February 1, 1984, February 29, 1984, March 8, 1984, and March 14, 1984. The NRC staff finds that the modified dates are reasonable, achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of

PP&L's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that the licensees shall:

Implement the specific items described in the Attachment to this Order in the manner described in PP&L's submittal noted in Section III herein no later than the dates in the Attachment.

Extensions of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

V

The licensees may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address. A REQUEST FOR HEARING

SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensees should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Md., this 14th day of June 1984.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing, Officer of Nuclear Reactor Regulation.

LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS)	1a. Submit a safety analysis and an implementation plan to the NRC	Completed Sept. 30, 1983.
	1b. SPDS fully operational and operators trained	July 1, 1984.
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC	Completed June 3, 1982.
	2b. Submit a supplemental summary report to the NRC including a proposed schedule for implementation.	Mar. 1, 1985.
3. Regulatory Guide 1.97	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	May 31, 1984.
	3b. Implement (installation or upgrade) requirements.	September 1985.
4. Upgrade Emergency Operating Procedures (EOP's)	4a. Submit a Procedures Generation Package to the NRC.	June 1985.
	4b. Implement the upgraded EOP's	December 1985.
5. Emergency response Facilities	5a. Technical Support Center fully functional	June 1987.
	5b. Operational Support Center fully functional	Do.
	5c. Emergency Operations Facility fully functional	Do.

[FR Doc. 84-16460 Filed 6-19-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-305]

Wisconsin Public Service Corporation. Kewaunee Nuclear Power Plant; Order Confirming Licensee Commitments on Emergency Response Capability

I

Wisconsin Public Service Corporation (the licensee) is the holder of Facility Operating License No. DPR-43 which authorizes the operation of the Kewaunee Nuclear Power Plant (the facility) at steady-state power levels not in excess of 1650 megawatts thermal. The facility is a pressurized water reactor (PWR) located in Kewaunee County, Wisconsin.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and

Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

- (1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and
- (2) A description of plans for phased implementation and integration of emergency response activities including training.

III

The licensee responded to Generic Letter 82-33 by letter dated April 15, 1983. By letters dated April 21, and August 4, 1983 and February 3, 1984 the licensee amended the original submittal to submit errata and as a result of negotiations with the NRC staff. In these submittals, the licensee made commitments to complete the basic requirements. The following Table summarizing the licensee's scheduler commitments or status was developed by the NRC staff from the Generic Letter and the information provided by the licensee.

The licensee's commitments include (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other

requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed the licensee's April 15, 1983 letter, as supplemented April 21, 1983, and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations the licensee amended the submittal to clarify certain dates by letter dated August 4, 1983. The NRC staff finds that the modified dates are reasonable, achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of the licensee's commitments is required in the interest of the public health and safety and should, therefore, be

confirmed by an immediately effective Order.

IV.

According, pursuant to sections 103, 1611, 1610, and 182 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 the licensee shall:

Implement the specific items described in the Attachment to this ORDER in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachment.

Extensions of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. Any request for a hearing

should be addressed to the Director, Office of Nuclear Reactor Regulations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address. A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Md., this 12th day of June 1984.

For the Nuclear Regulatory Commission,
Darrel G. Eisenhut,
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS)	1a. Submit a safety analysis and an implementation plan to the NRC	Sept. 2, 1983 (completed).
2. Detailed Control Room Design Review (DCRDR)	1b. SPDS fully operational and operators trained	1985 refueling outage (approximately May).
	2a. Submit a program plan to the NRC	Apr. 15, 1983 (completed).
	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	November 1984.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities.	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	Do.
4. Upgrade Emergency Operating Procedures (EOP's)	3b. Implement (installation or upgrade) requirements.	Per schedule in November 1984 report.
5. Emergency Response Facilities	4a. Submit a Procedures Generation Package to the NRC	Jan. 1, 1984 (complete).
	4b. Implement the upgraded EOP's	1985 refueling outage (approximately May).
	5a. Technical Support Center fully functional	Apr. 15, 1983 (completed).
	5b. Operational Support Center fully functional	Do.
	5c. Emergency Operations Facility fully functional	Do.

[FR Doc. 84-16401 Filed 6-19-84; 6:45 am]

BILLING CODE 7590-01-M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Agency Report Forms Under OMB Review

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for Comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit information collection requests to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the Agency has made such a submission. The proposed form under review is summarized below.

DATE: Comments must be received within 14 calendar days of this notice. If you anticipate commenting on the form, but find that you are unable to do so

within the foregoing period, you should advise the OMB Reviewer and the Agency Submitting Officer of your intent to comment as early as possible.

ADDRESS: Copies of the subject form and the request for review submitted to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer

L. Jacqueline Brent, Office of Personnel and Administration, Overseas Private Investment Corporation, Suite 405, 1129 Twentieth Street, N.W., Washington, D.C. 20527; Telephone (202) 653-2818.

OMB Reviewer

Francine Picoult, Office of Information

and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503; Telephone (202) 395-7231.

Summary of Form Under Review

Type of Request: Extension

Title: Application for Political Risk

Investment Insurance

Form No. OPIC-52

Frequency of Use: Other—once per investor per project

Type of Respondent: Business or other institutions (except farms)

Standard Industrial Classification

Codes: All

Description of Affected Public: U.S. investors

Number of Responses: 275

Reporting Hours: 500 hours

Federal Cost: \$10,000

Authority for Information Collection: Section 234(a) of the Foreign Assistance Act of 1961, as amended. Abstract (Needs and Uses): Pursuant to OPIC's statute, OPIC must screen each applicant for investment insurance in order to determine the eligibility of the investor, assess the political risks of the project, and calculate the economic and development effects of the project in the host country and in the U.S. The OPIC 52 enables the collection of this information in order to carry out Congress's mandate to manage the program prudently and to assure that no project is supported which has a significant adverse effect on U.S. employment.

Dated: June 13, 1984.

Leo H. Phillips, Jr.

Office of the General Counsel.

[FR Doc. 84-16409 Filed 6-19-84; 8:45 am]

BILLING CODE 3210-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Columbia River Basin Fish and Wildlife Program and Northwest Conservation and Electric Power Plan; Proposed Amendments, Hearings, and Public Comment Period

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council.

ACTION: Notice of proposed amendments, hearings, and opportunity to comment.

SUMMARY: On November 15, 1982, the Pacific Northwest Electric Power and Conservation Planning Council (the Council) adopted a final Columbia River Basin Fish and Wildlife Program (Fish and Wildlife Program). The Council is now proposing to revise and amend that program. On April 27, 1983, the Council adopted a final Northwest Conservation and Electric Power Plan (Power Plan). The Power Plan incorporated the Fish and Wildlife Program and included a schedule for program amendment. The Council is now proposing to amend a portion of that plan regarding the schedule for revision of its Fish and Wildlife Program. The proposed amendments of the Program and Plan are being released for public review and comments, and public hearings will be held. This notice describes the proposed amendments, provides information on how to obtain additional information, and outlines the

process for submitting written comments and participating in the hearings.

DATES AND ADDRESSES: The public comment period regarding the proposed amendments closes at 5 p.m., August 10, 1984. Public hearings on the proposed amendments will be held in:

- Boise, Idaho, July 16, 1984 at the Red Lion Downtowner Motel, 1800 Fairview Avenue.
 - Spokane, Washington, July 19, 1984 at Cavanaugh's River Inn, N. 700 Division.
 - Missoula, Montana, July 24, 1984 at the University Center, University of Montana.
 - Portland, Oregon, July 26, 1984 at the Portland Hilton, 921 SW. 6th.
- All hearings will begin at 9 a.m.

Instructions for Oral Comment at Hearings

1. Requests for time slots must be made at least five days prior to the hearings to Ruth Curtis, Information Coordinator, at the Council's central office, 700 SW. Taylor, Suite 200, Portland, Oregon 97205 or (503) 222-5161 (toll free 1-800-222-3355 out of state or 1-800-452-2324 in Oregon).

2. Those who do not sign up for time slots will be permitted to testify as time permits.

3. Hearings should be used to summarize written comments. Comments should not be read. Comments should be limited to the draft amendment document and the related proposed Power Plan amendment.

4. Ten copies of hearing testimony should be submitted to the Council recorder at the hearings. This person will be sitting at a table near the Council members. (See instructions for written comment.)

5. Those persons officially representing an organization will have 15 minutes to summarize their written testimony. (Organizations may have only one official representative.) All other individuals will be limited to five minutes. These time limits will be observed strictly in order to allow parties to testify.

6. The Council may ask questions for clarification. If so, this will be over and above the time limit imposed above.

7. A written record of each hearing will be made. Appearance at more than one hearing is unnecessary. Scheduling preference will be given to individuals and groups which have not testified at other hearings.

Instructions for Written Comment

1. Comments should be limited to the draft amendment document and related proposed Power Plan amendment and

must be received in the Council's central office, 700 SW. Taylor Street, Suite 200, Portland, Oregon 97205 by 5 p.m. on August 10, 1984. Comments received after that time will not be considered.

2. Written comments should be marked "Fish and Wildlife Program Comments."

3. Comments should be specific and concise. They should refer to amendments by their code numbers. Alternative language should be submitted if a change is being proposed.

4. If possible, submit a "marked up" copy of the draft amendment document indicating suggestions or revisions. Suggested deletions should be lined out and placed in parentheses. Suggested new language should be underlined.

5. All comments should be typed and double spaced. It would also be helpful if a separate page were prepared for comments on each proposed amendment or rejection. Provide ten copies of all comments.

One copy each of the draft Fish and Wildlife Program draft amendment document and of the related proposed amendment of Chapter 11 of the Power Plan may be obtained free of charge by contacting Ruth Curtis at the above address and telephone. The Council expects that copies will be available by June 29.

FOR FURTHER INFORMATION CONTACT: Dulcy Mahar, Director of Public Information and Involvement, 700 SW. Taylor, Suite 200, Portland, Oregon 97205 (Toll-free 1-800-222-3355 in Montana, Idaho, and Washington; toll-free 1-800-452-2324 in Oregon; or 503-222-5161).

SUPPLEMENTARY INFORMATION: As required by the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501, 94 Stat. 2697, 16 U.S.C. 839 *et seq.* (the Act), the Council adopted a Fish and Wildlife Program and a Power Plan. The Act allows the Council to amend its Plan or Program from time to time, and requires the Council to review those documents at least once every five years. At its meeting in Portland, Oregon on June 6, 1984, the Council voted to formally release draft Fish and Wildlife Program amendments. These proposed amendments are the result of a process that began August 15, 1983, when the Council (as required by the Act) published amendment application forms and called for recommendations. More than 140 amendment applications were received by the November 15, 1983 deadline. A summary of the amendment proposals and their complete text were made available to all interested parties.

Beginning with its February 22-23, 1984 meeting and for five consecutive meetings, the Council reviewed each amendment application and staff proposal and solicited public comments. Informal consultations also were held with the major groups submitting amendments or affected by them.

Proposed amendments were received from 28 individuals and organizations. Many were new contributors who had not submitted proposals for the original program. The greatest number of proposals was submitted by the Columbia Basin Fish and Wildlife Council, an association of federal and state fish and wildlife agencies, and by the U.S. Forest Service. Other major contributors included the Oregon Department of Fish and Wildlife, Army Corps of Engineers, and the Nez Perce Indian Tribe. Other applicants included the U.S. Bureau of Land Management, Crown Zellerbach, Oregon Division of State Lands, fish and wildlife agencies and organizations, utilities, Indian tribes, and individuals. Some amendments were proposed by the Council on its own motion or on the recommendations of its staff.

The draft amendment document only contains proposed amendments to the Fish and Wildlife Program and applications the Council proposes to reject. The Council welcomes comments on both the proposed amendments and the proposed rejections.

The draft amendments fall into the following general categories:

- funding.
- ocean survival/harvest controls.
- anadromous fish research.
- demonstration research projects.
- capital construction.
- offsite enhancement.
- resident fish.
- wildlife.
- program scheduling.
- technical corrections.

In Chapter 11 of the Power Plan, the Council established a schedule for coordinating amendment of its Plan and Program. The Council now believes that amending both the Fish and Wildlife Program and the Power Plan simultaneously is not desirable. Revising both documents at the same time may strain the limited resources not only of the Council and its staff but also of interested parties in the region. To address this problem, the Council at its May 16-17, 1984 meeting proposed to change the amendment schedule in Chapter 11 of the Power Plan to cancel the December 15, 1984 fish and wildlife recommendation process and to revise the Fish and Wildlife Program during even-numbered years, with the Power Plan continuing to be revised during

odd-numbered years. In conjunction with its Fish and Wildlife Program amendment process, the Council solicits public comment regarding this related Power Plan amendment as well.

The schedule currently set out in the Power Plan indicates that the Council would receive fish and wildlife recommendations by December 15, 1984. That schedule also provides for another revision of the Fish and Wildlife Program to take place simultaneously with the formal revision of the Power Plan scheduled for 1985. The Council's proposed amendment would delete not only the 1985 revision of the Fish and Wildlife Program but also the associated recommendation process. Some parties in the region may have refrained from participating in the current fish and wildlife recommendation process (which began in August 1983) in favor of submitting fish and wildlife recommendations by December 15, 1984. The Council recognizes this potential problem and is especially interested in any comments from such parties regarding this issue.

After considering all public comments received, the Council plans to adopt final Fish and Wildlife Program amendments at its October 10-11, 1984 meeting. The Council may adopt final amendments of Chapter 11 of the Power Plan at an earlier meeting.

(Sec. 4, Pub. L. 98-501, 16 U.S.C. 839b)

Edward Sheets,
Executive Director.

[FR Doc. 84-16371 Filed 6-19-84; 8:45 am]

BILLING CODE 0000-00-M

PENSION BENEFIT GUARANTY CORPORATION

Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan; G. Heileman Brewing Company, Inc. (Blitz-Weinhard Company)

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted G. Heileman Brewing Company, Inc., an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974 with respect to its purchase of assets from Blitz-Weinhard Company. A notice of the request for exemption was published in the *Federal Register* on March 9, 1984 (49 FR 9040). The effect of this notice is to advise the

public of the decision on the exemption request.

ADDRESS: The request for an exemption and the PBGC response to the request are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street, NW., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (190) at the above address.

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:

Background

Under section 4204(a)(1) of the Employee Retirement Income Security Act of 1974 ("ERISA"), a sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser furnish a bond or escrow for five plan years after the sale.

ERISA section 4204(c) authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B). Under § 2643.3(a) of the PBGC's regulation on variances for sales of assets (29 CFR Part 2643), the PBGC will approve a request for an exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of ERISA; and

(2) Would not significantly increase the risk of financial loss to the plan.

The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

ERISA section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of an exemption request in the *Federal Register*, and to give interested parties an opportunity to comment on the proposed exemption.

Decision

On March 9, 1984 (49 FR 9040), the PBGC published a notice of the pendency of a request from G. Heileman Brewing Company, Inc. ("Heileman"), for an exemption from the bond/escrow

requirement of ERISA section 4204(a)(1)(B), in connection with the purchase by Heileman of the assets of the Blitz-Weinhard Company ("Blitz"), a wholly-owned subsidiary of Pabst Brewing Company. The sale of assets was effective on March 19, 1983. No comments were received in response to the notice.

In connection with the sale, Heileman assumed Blitz's obligation, under a collective bargaining agreement with the General Teamsters Local 162, to contribute to the Western Conference of Teamsters Pension Trust Fund (the "Fund"). The estimated amount of the bond/escrow that would be required under ERISA section 4204(a)(1)(B) is \$416,448 (Blitz's average annual contributions to the Fund for the three plan years preceding the sale).

When the notice of pendency of Heileman's exemption request was published, Blitz's potential withdrawal liability to the Fund was estimated at \$569,912. The estimate was revised after the notice was published, and Blitz is now estimated to have no potential withdrawal liability to the Fund was estimated at \$569,912. The estimate was revised after the notice was published, and Blitz is now estimated to have no potential withdrawal liability. (The absence of potential withdrawal liability is not necessarily inconsistent with the applicability of ERISA section 4204. See, for example, PBGC opinion letter 83-10 (May 12, 1983).) Heileman's estimated withdrawal liability to the Fund (excluding the liability attributable to the operations purchased from Blitz) is \$1,083,781.

According to its audited consolidated financial statements, Heileman had total net assets for its fiscal year ended December 31, 1982, of approximately \$194 million. Heileman's average annual net income after taxes for its three fiscal years preceding the sale was \$40.2 million.

Based on the facts of this case and the representations and statements made in connection with the exemption request, the PBGC has determined that an exemption from the bond/escrow requirement is warranted, in that it would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the plan. Therefore, the PBGC hereby grants Heileman's request for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) with respect to its purchase of assets from Blitz. The granting of such an exemption does not constitute a determination by the PBGC that the transaction satisfies the other requirements of section

4204(a)(1). That determination is made by the plan sponsor.

Issued at Washington, D.C., on this 13th day of June, 1984.

C. C. Tharp,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 84-16374 Filed 6-19-84; 8:45 am]

BILLING CODE 7708-01-M

Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan; G. Heileman Brewing Company, Inc. (Lone Star Brewing Company)

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted G. Heileman Brewing Company, Inc., an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974 with respect to its purchase of assets from Lone Star Brewing Company. A notice of the request for exemption was published in the *Federal Register* on March 27, 1984 (49 FR 11739). The effect of this notice is to advise the public of the decision on the exemption request.

ADDRESS: The request for an exemption and the PBGC response to the request are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street, NW, Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (190) at the above address.

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) 254-4880 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Under section 4204(a)(1) of the Employee Retirement Income Security Act of 1974 ("ERISA"), a sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser furnish a bond or escrow for five plan years after the sale.

ERISA section 4204(c) authorizes the Pension Benefit Guaranty Corporation

("PBGC") to grant exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B). Under § 2643.3(a) of the PBGC's regulation on variances for sales of assets (29 CFR Part 2643), the PBGC will approve a request for an exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of ERISA; and

(2) Would not significantly increase the risk of financial loss to the plan.

The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

ERISA section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of an exemption request in the *Federal Register*, and to give interested parties an opportunity to comment on the proposed exemption.

Decision

On March 27, 1984 (49 FR 11739), the PBGC published a notice of the pendency of a request from G. Heileman Brewing Company, Inc. ("Heileman"), for an exemption from the bond/escrow requirement of ERISA section 4204(a)(1)(B), in connection with the purchase by Heileman of the assets of the Lone Star Brewing Company ("Lone Star"), a wholly-owned subsidiary of Pabst Brewing Company. The sale of assets was effective on March 19, 1983. No comments were received in response to the notice.

In connection with the sale, Heileman assumed Lone Star's obligation, under a collective bargaining agreement with the International Association of Machinists and Aerospace Workers, Local 36, to contribute to the I.A.M. National Pension Fund, Benefit Plan A (the "Fund").

Lone Star's potential withdrawal liability to the Fund is estimated at \$529,562. The estimated amount of the bond/escrow that would be required under ERISA section 4204(a)(1)(B) is \$209,238 (Lone Star's average annual contributions to the Fund for the three plan years preceding the sale).

According to its audited consolidated financial statements, Heileman had total net assets for its fiscal year ended December 31, 1982, of approximately \$194 million. Heileman's average annual net income after taxes for its three fiscal years preceding the sale was \$40.2 million.

Based on the facts of this case and the representations and statements made in

connection with the exemption request, the PBGC has determined that an exemption from the bond/escrow requirement is warranted, in that it would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the plan. Therefore, the PBGC hereby grants Heileman's request for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) with respect to its purchase of assets from Lone Star. The granting of such an exemption does not constitute a determination by the PBGC that the transaction satisfies the other requirements of section 4204(a)(1). That determination is made by the plan sponsor.

Issued at Washington, D.C., on this 13th day of June, 1984.

C. C. Tharp,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 84-16375 Filed 6-19-84; 8:45 am]

BILLING CODE 7708-01-M

Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan; National By-Products, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted National By-Products, Inc., an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974. A notice of the request of exemption from this requirement was published on March 9, 1984 (49 FR 9041). The effect of this notice is to advise the public of the decision on the exemption request.

ADDRESS: The request for an exemption, the comment received, and the PBGC's response to the request and the comment are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street, NW., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (190) at the above address.

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:

Background

Section 4204(a)(1) of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. 1394, provides that the sale of assets of an employer that contributes to a multi-employer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five years after the sale.

ERISA section 4202(c) authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B). Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (29 CFR Part 2643), the PBGC will approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of ERISA; and

(2) Would not significantly increase the risk of financial loss to the plan.

The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

ERISA section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the Federal Register, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

Decision

On March 9, 1984 (49 FR 9041), the PBGC published a notice of the pendency of a request from National By-Products, Inc. ("National By-Products") for an exemption from the bond/escrow requirement of ERISA 4204(a)(1)(B), in connection with the purchase by National By-Products of certain assets of Nick Beucher & Sons Co. ("Beucher & Sons"). The sale of assets became effective on July 2, 1983.

National By-Products has assumed the obligations of Beucher & Sons, pursuant to collective bargaining agreements with three unions, to contribute to three pension plans, viz.:

Union	Plan
Local 710, International Brotherhood of Teamsters.	International Brotherhood of Teamsters Local No. 710 Pension Fund ("Local 710 Fund").
Local 325, International Brotherhood of Teamsters.	Central States, Southeast and Southwest Area Pension Fund ("Central States Fund").
Beef Boners and Sausage Makers Union Local 100, United Food and Commercial Workers International Union.	Beef Boners & Sausage Makers, Locals 100 & 485 Pension Fund ("Beef Boners Fund").

The total bond/escrow amount required of National By-Products under section 4204(a)(1)(B) is \$81,728, and the estimated total amount of the withdrawal liability that Beucher & Sons would otherwise incur as a result of the sale if section 4204 did not apply to the sale is \$153,967, broken down as follows:

Plan	Bond	Withdrawal liability
Local 710 Fund.....	\$56,064	\$139,407
Central States Fund.....	2,652	14,560
Beef Boners Fund.....	23,010	None

National By-Products contributed to the Central States Fund (but not to the other two plans) before the transaction. Based on an annulization of its contributions for January 1984 and on information from Central States Fund's 1981 Form 5500, National By-Products estimates its potential withdrawal liability to the Central States Fund as \$900,337.

National By-Products had net tangible assets for its fiscal year ended May 28, 1983, of \$35,234,837. National By-Products had an average net income for the period of three fiscal years ended May 28, 1983, of \$2,960,136.

The Local 710 Fund, by counsel, submitted the only comment in response to the notice of pendency of National By-Products' request. The comment raised two objections to the granting of the requested exemption and, in the alternative, proposed three conditions to which the exemption, if granted, should be subject.

The first objection centered on the observation that there is "no way of knowing what [National By-Products' financial] condition will be one year from now or five years from now." In the commenter's view, it was such uncertainty that motivated Congress to require a bond from all purchasers, rather than excusing financially sound purchasers from the bonding requirement. The commenter further observed that the bond reduces the plan's risk of loss if the purchaser defaults. A parenthetical note called

attention to the fact that National By-Products' financial statements disclosed that it incurred \$11.5 million in debt after the close of its 1982-83 fiscal year.

The PBGC agrees that no business's financial future can be infallibly predicted; this is true of sellers as well as buyers. It is also true that a bond reduces a plan's risk of loss, although (as in this case) the amount of the bond is typically only a small fraction of the purchaser's potential withdrawal liability. However, the PBGC does not agree that Congress intended to require a bond or escrow for the full five-year period specified in section 4204(a)(1)(B) in every case, regardless of the purchaser's financial strength. On the contrary, the PBGC believes that the primary purpose of the bond/escrow requirement is to demonstrate the purchaser's financial strength at the time when it assumes the seller's contribution obligation, and that Congress, in section 4204(c), explicitly authorized waivers of the requirement in appropriate circumstances. This interpretation underlies § 2643.3(a), where the PBGC's standard for waiving the purchaser's bond or escrow is set forth. Under that standard, a waiver will be approved only if it "[w]ould not significantly increase the risk of financial loss to the plan." As the PBGC has stated in other cases, the test is whether "the purchaser is capable of meeting its obligations to the plan or plans at the time of the sale." *Kohlberg, Kravis, Roberts and Co.*, 47 FR 40261, 40262 (September 13, 1982); *James River-Dixie/Northern Inc.*, 48 FR 35057, 35058 (August 2, 1983). Accordingly, the PBGC does not regard the inability to predict National By-Product's future financial fortunes as an impediment to a waiver of the bond/escrow requirement if the waiver is otherwise justified.

National By-Products did, as the comment noted, incur \$11.5 million in debt after the end of its 1982-83 fiscal year. This debt was incurred in connection with the purchase of business assets. Thus (as is generally the case when debt is created), the liability representing the debt would almost certainly be offset by the assets purchased. Of course, part of those assets might be intangible. However, even if National By-Products received no consideration whatsoever for its \$11.5 million in notes, its net assets would only be reduced to about \$23.7 million, which is still many times greater than its potential withdrawal liability to the plans involved. The PBGC therefore does not regard the commenter's point regarding this debt as sufficiently

material to prevent the granting of a waiver.

The second objection raised in the comment was that the standards for waiving the purchaser's bond should be "similar to" the standards for waiving the seller's bond under Multiemployer Bulletin No. 2, issued by the PBGC on July 1, 1981. Specifically, the commenter remarks that this case is not one where a sale of assets by a bankrupt employer to a solvent employer will be frustrated unless a waiver is granted. As the PBGC has previously determined, however, "this standard is inappropriate in the case of the purchaser's bond (escrow) since the two bonds are required in very different circumstances and serve very different purposes." *Southland Corporation*, 47 FR 711, 712 (January 6, 1982). PBGC believes that the standard set forth in § 2643(a), rather than that in Multiemployer Bulletin No. 2, is the proper one to be applied in this and other cases involving the purchaser's bond/escrow.

In addition to raising the two objections discussed above, the comment suggests that the waiver of the purchaser's bond/escrow, if granted, be subject to three conditions:

(1) National By-Products' auditor would be required to certify annually that a seller's bond was not required; and if Beucher & Sons failed to furnish a seller's bond when necessary, National By-Products would be required to do so.

(2) National By-Products would be required each year to give the Local 710 Fund its financial statements and an auditor's statement of no adverse change in the company's financial condition.

(3) Any controlled group of which National By-Products is a member would have to agree to be liable for any withdrawal liability National By-Products might incur to the Local 710 Fund.

The first two conditions are essentially similar to the two conditions proposed by the Local 710 Fund in *Manley Truck Line, Inc.*, 49 FR 14226 (April 10, 1984). As stated in the *Manley* case:

"... [Regarding the first conditions, t]he plan does not have to rely on the purchaser in order to obtain financial information on the seller. Under ERISA section 4219(a), the seller would be obligated . . . to provide such information . . . [Furthermore, s]ection 4204 establishes two distinct bonding requirements . . . To compel the purchaser to post the seller's bond would impose an additional obligation on the purchaser beyond that contained in the statute. . . .

"... [The second] condition suggests that the plan will determine . . . whether the purchaser's financial condition is such to warrant a continued variance . . . This is

inappropriate[,] however, since section 4204(c) gives the PBGC, not the plan, the authority to grant variances or exemptions . . . " *Manley Truck Lines, Inc.*, supra, 49 FR at 14227.

The third condition proposed in the comment is in effect a restatement of the provisions of section 4001(b)(1) of ERISA, which states that "all employees of trades or business . . . which are under common control shall be treated as employed by a single employer and all such trades and businesses as a single employer." Thus the members of a controlled group are jointly and severally liable for withdrawal liability arising from any one member's cessation of contributions under a pension plan. See, e.g., *PBGC v. Ouimet Corp.*, 711 F.2d 1085 (1st Cir., 1983). The principle is the same for multiemployer and non-multiemployer plans. See PBGC Opinion Letter 82-13 (April 12, 1982).

For the foregoing reasons, the PBGC does not consider any of the three conditions suggested in the comment to be appropriate.

Based on the facts of this case and the representations and statements made in connection with the request for exemption, the PBGC has determined that an exemption from the bond/escrow requirement is warranted, in that it would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the plans involved. Therefore, the PBGC hereby grants the request of National By-Products for an exemption from the bond/escrow requirement. The granting of an exemption or variance from the bond/escrow requirement of section 4204(a)(1)(B) does not constitute a finding by the PBGC that the transaction satisfies the other requirements of section 4204(a)(1). The determination of whether the transaction satisfies such other requirements is made by the plan sponsors.

C. C. Tharp,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 84-16376 Filed 6-19-84; 8:45 am]

BILLING CODE 7708-01-M

Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan; the Witco Chemical Corporation et al.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted The Witco Chemical Corporation an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974. A notice of the request for exemption was published in the *Federal Register* on March 14, 1984 (49 FR 9662). The effect of this notice is to advise the public of the decision on the exemption request.

ADDRESS: The request for an exemption and the PBGC response to the request are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street, NW, Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (190) at the above address.

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:

Background

Under section 4204(a)(1) of the Employee Retirement Income Security Act of 1974 ("ERISA"), a sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser furnish a bond or escrow for five plan years after the sale.

ERISA section 4204(c) authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B). Under § 2643.3(a) of the PBGC's regulation on variances for sales of assets (29 CFR Part 2643), the PBGC will approve a request for an exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of ERISA; and

(2) Would not significantly increase the risk of financial loss to the plan.

The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

ERISA section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of an exemption request in the *Federal Register*, and to give interested parties

an opportunity to comment on the proposed exemption.

Decision

On March 14, 1984 (49 FR 9662), the PBGC published a notice of the pendency of a request from The Witco Chemical Corporation ("Witco") and Millmaster Onyx Group, Inc. ("Millmaster"), for an exemption from the bond/escrow requirement of ERISA section 4204(a)(1)(B), in connection with the purchase by Witco of substantially all of the assets of the A. Gross & Company Division of Millmaster. The sale of assets was effective on June 30, 1983. No comments were received in response to the notice.

In connection with the sale, Witco assumed Millmaster's obligation, under a collective bargaining agreement with Local Number 8-131 of the Oil, Chemical and Atomic Workers International Union, AFL-CIO, to contribute to the O.C.A.W. Union-Industry Pension Fund (the "Fund").

Millmaster's potential withdrawal liability to the Fund was calculated by the Fund to be \$371,400. The estimated amount of the bond/escrow that would be required under ERISA section 4204(a)(1)(B) is \$69,534 (Millmaster's average annual contributions to the Fund for the three plan years preceding the sale).

According to its audited consolidated financial statement, Witco and its subsidiaries had total net assets for its fiscal year ended December 31, 1982, of approximately \$299 million, and an average annual net income for its fiscal years 1980-1982 of about \$36 million.

Based on the facts of this case and the representations and statements made in connection with the exemption request, the PBGC has determined that an exemption from the bond/escrow requirement is warranted, in that it would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the plan. Therefore, the PBGC hereby grants Witco's and Millmaster's request for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) with respect to Witco's purchase of assets from Millmaster. The granting of such an exemption does not constitute a determination by the PBGC that the transaction satisfies the other requirements of section 4204(a)(1). That determination is made by the plan sponsor.

Issued at Washington, D.C. on this 13th day of June 1984.

C. C. Tharp,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 84-16377 Filed 6-19-84; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21045; File No. SR-OCC-84-10]

Self-Regulator Organizations; Filing and Immediate Effectiveness of Proposed Rule Change of Options Clearing Corp.

June 14, 1984.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 7, 1984, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends OCC's rules relating to applications to OCC by U.S. and non-U.S. institutions for approval to issue letters of credit on behalf of OCC members for OCC margin purposes.¹ Specifically, the proposed rule change amends Interpretation and Policy .05 to OCC Rule 604 to require each applying institution to provide OCC with its most recent quarterly financial statements in the event the institution's most recent annual report is as of a date more than 90 days prior to the date of the institution's application for approval. The Interpretation and Policy previously required applying institutions to provide OCC with quarterly financial statements that are published.

OCC states in its filing that the proposal is needed because non-U.S. institutions do not always publish quarterly financial statements. OCC believes that the proposal will enable OCC to make better informed decisions regarding qualifications of non-U.S. applicant institutions.

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the

¹ See generally Chapter VI of OCC's Rules.

Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-OCC-84-10.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-16393 Filed 6-19-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21047; SR-MSRB-84-5]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

June 14, 1984.

The Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue, NW., Washington, D.C. 20036, on March 19, 1984, submitted copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to amend rules G-35 and A-16 relating to arbitration.

The proposed rule change would amend the MSRB's arbitration code, contained the rule G-35, and its arbitration fees and deposits, contained

in rule A-16, to conform to recent amendments to the uniform arbitration code developed by the Securities Industry Conference on Arbitration. This uniform code is followed by the various self-regulatory organizations.

The proposed rule change would: (1) Extend the time limitations on arbitration of claims to allow arbitration of claims over six years old if a court with jurisdiction over the claim has directed that the claim be resolved by arbitration; (2) increase the dollar limit on customer small claims arbitration from \$2,500 to \$5,000; (3) restructure the fees and deposits for arbitration, lowering the fee and deposits for claims under \$2,500 while generally raising fees for claims over \$10,000; (4) allow arbitrators discretion to bar the presentation by a respondent of facts or defenses that were not disclosed to the claimant prior to the hearing; (5) allow arbitrators to consolidate arbitrations where there are multiple claimants; (6) specify the rights of parties to peremptorily challenge appointments of arbitrators to the panel and provide unlimited challenges for cause; and (7) allow arbitrators to assess costs in a dispute that was settled or withdrawn subsequent to the first hearing.

Notice of the proposed rule change was given in Securities Act Release No. 20856, published in the **Federal Register** (49 FR 20398, May 14, 1984). No comments on the proposed rule change were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and in particular, the requirements of section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved, to be effective on September 1, 1984, concurrent with the effectiveness of similar arbitration rule changes by the National Association of Securities Dealers, Inc.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-16391 Filed 6-19-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21041; File No. SR-NSCC-84-11]

Sell-Regulatory Organizations Filing and Immediate Effectiveness of proposed Rule Change of National Securities Clearing Corp.

June 14, 1984.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 21, 1984, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends NSCC's trade input and comparison procedure¹ for regular-way transactions in listed equity securities executed on the American Stock Exchange ("Amex") and, if round lots, the New York Stock Exchange ("NYSE"). The new procedure, termed "Partial Suggested Name Match" ("PSNM"), provides that with respect to trade data where at least one of the two parties submitting that data names as the *contra* party an omnibus account, as specified by NSCC,² and the parties have submitted identical trade data except for the number of shares traded and the name of the *contra* party, the transaction will be deemed by NSCC to be compared to the extent of the lesser number of shares as submitted by one of the parties. Trades that are compared and matched by PSNM, like trades compared through NSCC's "suggested name" procedure,³ will be specifically

¹ See Section II.B.1. of NSCC's Procedures.

² NSCC states in its filing that PSNM at this time will be used only for uncompleted trades in three omnibus accounts: NYSE IT-736, AMEX ATS-737, NYSE and AMEX NON-797. The "ITS" and "ATS" accounts relate to the Intermarket Trading System. The "NON" account is used where the *contra* party to the trade is unknown by either party to the trade.

³ Under NSCC's regular "suggested name" procedure, if a purchaser and seller submit identical trade data, except for the name of the *contra* party, and the *contra* party submitted by one of them is the other party that submitted identical data, the transaction is deemed compared. For example, if A submits trade data showing the purchase of 100 shares of XYZ at \$10 per share from B and B submits data showing a sale of 100 shares of XYZ at \$10 to C, the procedure will ignore C in B's trade submission and will suggest a compared trade with A. Suggested trades are identified specially on the T+1 Contract List. The parties to the trade are responsible for verifying that the "suggestion" is correct and may delete incorrect suggested matches on T+2. Unlike PSNM, NSCC's suggest name procedure results in compared trades for the full share amount.

identified on NSCC's contract lists, which are issued to members on the first day after trade date ("T+1"). If neither party to the trade believes that the suggested partial match is incorrect, the party may unilaterally delete that trade on T+2.⁴

NSCC states in its filing that the proposal will enhance NSCC's suggested name match procedure and will reduce the number of uncompleted trades in NYSE and Amex securities. NSCC further states that although the proposal changes an existing service, it will not adversely affect the safeguarding of securities or funds in NSCC's control or for which it is responsible, nor will it adversely affect the rights or obligations of persons using the services.⁵

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the *Federal Register*. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. SR-NSCC-84-11.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written commissions relating proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

⁴ See section II.B.2.(c) of NSCC's Procedures.

⁵ See Rule 19b-4(e)(1)(4) of the Act.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-16392 Filed 6-19-84; 8:45 am]

BILLING CODE 8010-01-M

**Self-Regulatory Organizations;
Application for Unlisted Trading
Privileges and of Opportunity for
Hearing; Pacific Stock Exchange, Inc.**

June 14, 1984.

The Pacific Stock Exchange ("PSE") had filed an application with the Securities and Exchange Commission pursuant to section 12 (f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock: The Hallwood Group, Inc.

Common Stock, No Par Value (File No. 7-7486)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 6, 1984 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such applications is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary

[FR Doc. 84-16468 Filed 6-19-84; 8:45 am]

BILLING CODE 8010-01-M

**Self-Regulatory Organizations;
Application for Unlisted Trading
Privileges and of Opportunity for
Hearing; Philadelphia Stock Exchange,
Inc.**

June 14, 1984.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1, thereunder,

for unlisted trading privileges in the common stock of:

Homestake Mining Company

Common Stock, \$1 Par Value (File No. 7-7525)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 16, 1984 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-16469 Filed 6-19-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License Application No. 30/03-0174]

**American Security Capital Corp., Inc.;
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)), under the name of American Security Capital Corporation, Inc., 730 Fifteenth Street, NW., Washington, D.C. 20013, 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.

The proposed officers, directors and sole shareholder of the Applicant are as follows:

Names, Address, Title, and Relationships

W. Jarvis Moody, 1314 35th Street NW., Washington, D.C. 20007; Chairman of the Board, Director

Jeffrey T. Griffin, 6017 Woodacres Drive, Bethesda, MD 20816; President, General Manager, Director
 Edward J. Stark, 14925 Lampec Street, Centerville, VA 22020; Secretary
 Frank B. Holloway, 3125 North Nelson Street, Arlington, VA 22207; Treasurer, Director
 F. William Burke, 6101 Cromwell Drive, Bethesda, MD 20816; Assistant Secretary
 James I. Lundy III, 13521 Brightfield Lane, Herndon, VA 22071; Assistant Treasurer
 Daniel J. Callahan, 4631 Westover Place, Washington, D.C. 20016; Director
 Douglas T. Ledwith, 4005 Glenridge Street, Kensington, MD 20795; Director
 James F. Rogers, 4244 North Vacation Lane, Arlington, VA 22207; Director
 William H. Ryland, 7806 Meadow Lane, Chevy Chase, MD 20815; Director
 American Security Corporation, 730 15th Street, NW., Washington, D.C. 20013; sole shareholder

American Security Corporation has approximately 3,175 shareholders, none of whom own as much as 10 percent of its shares. All of the officers and directors of the Applicant are affiliates of the parent company.

American Security Capital Corporation, Inc. (Applicant), a Delaware corporation, will begin operations with \$2,500,000 of private capital, derived from the sale of 12,500 shares of its Class A common stock, the only class of stock authorized.

The Applicant will conduct its operations principally in the Washington, D.C. metropolitan area and in the mid-Atlantic region.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this notice, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Deputy Associate Administrator for investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Washington, D.C.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

Dated: June 14, 1984.

[FR Doc. 84-16475 Filed 6-19-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5475]

**Interstate Venture Capital Corp.;
 Application for a License to Operate
 as a Small Business Investment
 Company (SBIC)**

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended, (15 U.S.C. 661 *et seq.*), has been filed by Interstate Venture Capital Corporation, 15 West 45th Street, New York, New York 10036 with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1984).

The officers and directors of the Applicant are as follows:
 Shmuel Heber, 568 Montgomery Street, Brooklyn, New York 11225; Chairman of the Board, 100%
 Rachel Heber, 568 Montgomery Street, Brooklyn, New York 11225; Treasurer
 Steve R. Kurtz, 700 Victory Blvd., Staten Island, New York 10301; Manager
 Mordeai L. Kalmanson, 640 Empire Blvd., Brooklyn, New York 11213; Director

As an SBIC under section 301(d) of the Act, the Applicant had been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the Rules and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit to SBA written comments on the proposed Applicant. Any such

communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in the New York City area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 14, 1984.

Robert G. Lineberry,
Deputy Associate Administrator for Investment

[FR Doc. 84-16476 Filed 6-19-84; 8:45 am]

BILLING CODE 8025-01-M

**Mid America Venture Capital Corp.;
 Application for a License as a Small
 Business Investment Company**

[Application No. 04/04-0234]

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Regulations (13 CFR 107.102 (1984)) by Mid America Venture Capital Corporation, 500 West Broadway, Louisville, Kentucky 40202 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and sole shareholder are:

Name, Address, Title, Relationship, and Percent of Ownership

Samuel H. Klein, 6005 Orion Road, Louisville, Kentucky 40222; Chairman of the Board and Director
 Bertram W. Klein, 6403 Shrader Lane, La Grange, Kentucky 40031; Vice Chairman of the Board, Chief Executive Officer, and Director
 Stanley L. Atlas, 1710 Devondale Drive, Louisville, Kentucky 40222; President and Investment Adviser
 William L. Givens, Jr., 320 Hawthorne Drive, Jeffersonville, Indiana 47130; Vice President
 Orson Oliver, 8515 Paddington Drive, Louisville, Kentucky 40222; Secretary and Director
 Stephen R. Veth, 2300 Rutherford Wynd, Louisville, Kentucky 40205; Assistant Secretary
 Jack C. Rusch, 10712 Sun Ridge, Goshen, Kentucky 40026; Treasurer
 Mid America Bancorp., 500 West Broadway, Louisville, Kentucky 40202; Parent Company, 100

Mid America Bancorp.'s shareholders of 10 percent or more are as follows:

Name and Percentage

Bertram W. Klein and Elaine B. Klein; 18.7%.
Samuel H. Klein and Hattie B. Klein; 12.1%.

Mid America Bancorp is the holding company for Mid America Bank of Louisville, The Loan Store, Inc., as well as the Applicant, Mid America Venture Capital Corporation.

The Applicant will begin operations with a capitalization of \$1,995,000 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.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Louisville, Kentucky.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 14, 1984.

Robert G. Lineberry,
Deputy Associate Administrator for
Investment.

[FR Doc. 84-16477 Filed 6-19-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY**Office of the Secretary**

[No. 160-1]

**Delegation of Authority To Make
Determinations of Liability for Losses
Resulting From Payments of United
States Savings Bonds and Notes**

Connection

In FR Doc. 84-16029, appearing on page 24843, in the issue of Friday, June 15, 1984, in the first column, in the third paragraph, first line, "day" should read "any".

BILLION CODE 1505-01-M

[Dept. Circ., Public Debt Series—No. 17-84]

**Treasury Notes of June 30, 1986;
Series V-1986**

Washington, June 14, 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 \$8,500,000,000 of United States securities, designated Treasury Notes of June 30, 1986, Series V-1986 (CUSIP No. 912827 QX 3). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent to the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated July 2, 1984, and will bear interest from that date, payable on a semiannual basis on December 31, 1984, and each subsequent 6 months on June 30 and December 31 until the principal becomes payable. They will mature June 30, 1986, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The securities are subject to all taxes imposed under the Internal Revenue Code of 1954. The securities

are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of \$5,000 \$10,000 \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to 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, June 20, 1984. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, June 19, 1984, and received no later than Monday, July 2, 1984.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is \$5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than \$1,000,000. A noncompetitive bidder may not have entered into an agreement nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue being auctioned prior to the designated closing time for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****Public Hearing***Correction*

In FR Doc. 84-15540, appearing on page 24098 in the issue of Monday, June 11, 1984, make the following correction: In column two, the hearing date in the second line of the last complete paragraph should read "July 25, 1984".

BILLING CODE 1505-01-M

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.

3.5. 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.

3.6. 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 $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. 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 Monday, July 2, 1984. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, June 28, 1984. In addition, Treasury Tax and Loan Note Option Depositories 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 Monday, July 2, 1984. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the

bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20239. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public

announcement of such changes will be promptly provided.

Carole Jones Dineen,
Fiscal Assistant Secretary.

[FR Doc. 84-16413 Filed 6-19-84; 8:45 am]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and the Delegation of Authority from the Director, USIA (47 FR 57600, December 27, 1982), I hereby determine that the objects in the exhibit, "The Ancient Olympic Games", (included in the list¹ filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement between the National History Museum of Los Angeles County and a foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the National History Museum of Los Angeles County, beginning on or about June 2, 1984, to on or about September 17, 1984, is in the national interest. Public notice of this determination is ordered to be published in the Federal Register.

Dated: June 18, 1984.

Thomas E. Harvey,
General Counsel and Congressional Liaison.

[FR Doc. 84-16701 Filed 6-19-84; 1:48 pm]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Veterans Administration National Cemetery, Biloxi, Mississippi, Proposed Expansion Development; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the ten acre expansion development and has determined that potential environmental impacts will be minimal.

Development will take place in acreage acquired in 1982 from the adjacent VA Medical Center, as well as within the existing cemetery property.

The project will involve clearing and grading for new burial areas, a new entry road, surface and storm drainage systems, irrigation, and landscaping. With completion of this project, the cemetery will gain 5,500 gravesites. As an alternative to the scope of work as described above, the "No Action" alternative was considered in the project development process. This action would result in depletion of available gravesites by April 1985. The VA does not favor this alternative.

The proposed project will affect the environment to a minimal degree during construction. Earthwork operations will expose soil to wind and water erosion. Other construction activities will temporarily affect noise levels, air quality, water quality, and solid waste disposal. There are no significant long-term adverse environmental impacts associated with this project.

Mitigation of impacts will be accomplished in accordance with the VA Environmental Protection Section, which will be included in the contract documents.

The VA will adhere to all applicable Federal, State, and local environmental regulations during construction and operation of this project.

Findings conclude the proposed action will not cause a significant effect on the environment and therefore preparation of an Environmental Impact Statement is not required. A determination of no effect is pending from the State of Mississippi Historic Preservation Officer pursuant to Advisory Council on Historic Preservation Regulations, Title 36 CFR Part 800.

The significance of the identified impacts has been evaluated relative to considerations of both context and intensity so defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

An Environmental Assessment has been prepared in accordance with the requirements of the National Environmental Policy Act Regulations, sections 1501.3 and 1508.9. A Finding of No Significant Impact has been reached based upon the information in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C.

Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs (088C), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389-3316. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: June 14, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,
Deputy Administrator.

[FR Doc. 84-16405 Filed 6-19-84; 8:45 am]

BILLING CODE 8320-01-M

Veterans; Advisory Committee on Rehabilitation; Meeting

The Veterans Administration gives notice that a meeting of the Veterans' Advisory Committee on Rehabilitation, authorized by 38 U.S.C. 1521, will be held in Room 1010 of the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420, July 24, 1984, at 9:30 a.m. The purpose of the meeting will be to review the administration of veterans' rehabilitation programs and provide recommendations to the Administrator as the Committee determines appropriate.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Dr. Carole J. Westerman, Executive Secretary, Veterans' Advisory Committee on Rehabilitation (phone 202-389-2886) prior to July 12, 1984.

Interested persons may attend, appear before, or file statements with the Committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 2:30 p.m. on July 24, 1984.

Dated: June 14, 1984.

By direction of the Administrator.

Rosa Maria Fontanez,
Committee Management Officer.

[FR Doc. 84-16406 Filed 6-19-84; 8:45 am]

BILLING CODE 8320-01-M

¹ An itemized list of objects included in the exhibit is filed as part of the original document.

Sunshine Act Meetings

Federal Register

Vol. 49, No. 120

Wednesday, June 20, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, June 25, 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)(6), (c)(8), and (c)(9)(A)(ii) 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 subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

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:

Applications for Federal deposit insurance:

Realty Finance, Inc., an operating noninsured industrial bank located at 72 Kekuanaoa Street, Hilo, Hawaii.
Paradise Finance, Inc., an operating noninsured industrial bank located at 197 South Hotel Street, Honolulu, Hawaii.

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: June 18, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-16574 Filed 6-18-84; 3:29 pm]

BILLING CODE 6714-01-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 the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 25, 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 consent to establish a branch:

Johnstown Savings Bank, Johnstown, Pennsylvania, for consent to establish a

branch at 1059 Franklin Street, Johnstown, Pennsylvania.

Application for consent to establish three remote service facilities:

Johnstown Savings Bank, Johnstown, Pennsylvania, for consent to establish remote service facilities at Scalp Avenue and Luther Road, Johnstown, Pennsylvania, 346 North Sheridan Street, Johnstown, Pennsylvania, and Westwood Plaza, Lower Yoder Township, Pennsylvania.

Application for consent to merge and establish two branches:

The Campbell & Fetter Bank, Kendallville, Indiana, an insured State nonmember bank, for consent to merge, under its charter and title, with The Albion National Bank, Albion, Indiana, and to establish the two offices of The Albion National Bank as branches of the resultant bank.

Application for consent to merge with two banks and establish eight branches:

Bank of Cumming, Cumming, Georgia, an insured State nonmember bank, for consent to merge, under its charter and title, with Bank South, Cobb, Marietta, Georgia, and Bank South, Gwinnett, Duluth, Georgia, and for consent to establish the four offices of Bank South, Cobb, and the four offices of Bank South, Gwinnett, as branches of the resultant bank.

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. 46,068-L—American City Bank, Los Angeles, California

Case No. 46,069-L—The Commercial Bank of California, Los Angeles (West Hollywood), California

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 applications, 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:

Memorandum and Resolution re: Cooperative Examination Program with the Federal Home Loan Bank Board concerning FDIC-insured Federal savings banks.

Memorandum and Resolution re: Statement of Policy Regarding the Availability and Use of Financial and Other Information by

Depositors and Other Creditors of Banks and Thrifts which (1) notifies depositors and creditors of insured banks and thrifts of information that is publicly available and encourages the public to use that information when making decisions regarding the placement of their funds, and (2) sets forth certain types of information which the FDIC believes would be relevant to these customers in their evaluation of bank or thrift condition and performance.

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: June 18, 1984.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 84-18575 Filed 6-18-84; 3:29 pm]
BILLING CODE 6714-01-M

3

LEGAL SERVICES CORPORATION OPERATIONS AND REGULATIONS COMMITTEE MEETING

TIME AND DATE: The meeting will commence at 9:30 a.m. and continue until all official business is completed. Thursday, June 28, 1984.

PLACE: Office of Personnel Management, Auditorium, 1900 "E" Street, NW., Washington, D.C.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Approval of Minutes
—May 11, 1984
3. Report from the Office of General Counsel
—Proposed Regulations
1622 Sunshine Act
1629 Recipient Bonding
4. Report from the Office of Government Relations

CONTACT PERSON FOR MORE INFORMATION: LeaAnne Bernstein, Office of the President, (202) 272-4040.

DATE ISSUED: June 18, 1984.
LeaAnne Bernstein,
Secretary of the Corporation.

[FR Doc. 84-18587 Filed 6-18-84; 3:53 pm]
BILLING CODE 5820-35-M

4

NUCLEAR REGULATORY COMMISSION

DATE: Week of June 18, 1984 (Revised) and Week of June 25, 1984.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Week of June 18

Thursday, June 21

2:00 p.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6) (Tentative) (As Announced)

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (New Item) a. Final Rule Change to 10 CFR Part 50, Appendix E, Frequency of Emergency Preparedness Exercises

Friday, June 22

10:00 a.m.

Discussion/Possible Vote on Commission Concurrence on DOE Siting Guidelines (Public Meeting) (As Announced)

2:00 p.m.

NUMARC Briefing on Readiness to Operate (Public Meeting) (As Announced)

Week of June 25

Tuesday, June 26

10:00 a.m.

Discussion of Role of the Staff/Ex Parte (Public Meeting) (Postponed from June 20)

2:00 p.m.

Briefing on Proposed Rulemaking on Operator Licensing and Qualification of Plant Personnel; Staff Reaction to Industry Proposals (Section 306 NWSA) (Public Meeting)

Wednesday, June 27

10:00 a.m.

DOE Briefing on Draft Mission Plan (Public Meeting)

ADDITIONAL INFORMATION: Discussion of Indian Point Adjudicatory Proceeding scheduled for June 20, *postponed*. Briefing by Executive Branch (CLOSED—Ex. 1) was held on June 14. Briefing on USI A-44 (Station Blackout) and A-45 (Shutdown Decay Heat Removal Requirements) scheduled for June 15, *postponed*.

TO VERIFY THE STATUS OF MEETINGS

CALL: (Recording)—(202) 634-1498.

CONTACT PERSON FOR MORE

INFORMATION: Walter Magee, (202) 634-1410.

Walter Magee,
Office of Secretary.

[FR Doc. 84-18603 Filed 6-18-84; 3:58 pm]

BILLING CODE 7590-01-M

5

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL (Northwest Power Planning Council)

ACTION: Notice of meeting to be held pursuant to the Government in the Sunshine Act (5 U.S.C. 552b).

STATUS: Open. An executive session to discuss pending litigation will follow the meeting on June 28. This session will be closed to the public.

TIME AND DATE: June 27, 1984; 1:30 p.m. and June 28, 1984; 9:00 a.m.

PLACE: Elkhorn Inn, Elkhorn Road, Sun Valley, Idaho.

MATTERS TO BE CONSIDERED:

Staff presentation on an issue paper on the process that should be used to acquire options on resources.

Council action on staff proposal to not comment on the scope of BPA studies on the future of Washington Public Power Supply System plants 1 and 3.

Council action on the Council's Fiscal Year 1986 and Revised Fiscal year 1985 Budget.

Council Business.

Public Comment.

FOR FURTHER INFORMATION CONTACT:

Ms. Bess Wong (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-16527 Filed 6-18-84; 12:06 pm]
BILLING CODE 0000-01-M

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U.S. PAROLE COMMISSION, NATIONAL COMMISSIONERS (THE COMMISSIONERS PRESENTLY MAINTAINING OFFICES AT CHEVY CHASE, MARYLAND, HEADQUARTERS.)

TIME AND DATE: 2:00 p.m., Wednesday, June 20, 1984.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 4 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE

INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

Dated: June 15, 1984.

Joseph A. Barry,
General Counsel, United States Parole
Commission.

[FR Doc. 84-16523 Filed 5-18-84; 11:08 am]
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Federal Register

Wednesday
June 20, 1984

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

**Endangered and Threatened Wildlife and
Plants; Proposal to Reclassify the Legal
Status of the American Alligator in
Florida to Similarity of Appearance;
Proposed Rule**

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal to Reclassify the Legal Status of the American Alligator in Florida to Threatened Due to Similarity of Appearance

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to reclassify the American alligator (*Alligator mississippiensis*) in Florida, where the species is presently classified as threatened, to similarity of appearance under provisions of the Endangered Species Act of 1973, as amended. This proposed change is based on evidence that the species is not biologically threatened, a legal status defined for species believed to be likely to become endangered within the foreseeable future. Productive alligator populations are well distributed throughout the State wherever suitable habitat occurs, with over 6,700,000 acres of wetland habitat currently occupied by the species. Reclassification of Florida alligators would reduce restrictions on the State for future management and research. Any harvests planned in Florida would have to be within constraints established by the Service's special rule on American alligators (50 CFR 17.42(a)) and existing State statutes and regulations. The Service seeks data and comments from the public on this proposal. The Service is requesting information on environmental impacts that would result from the proposed reclassification of the alligator in Florida.

DATES: Comments from all interested parties must be received by September 18, 1984. Public hearing requests must be received by August 6, 1984.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Jackson Endangered Species Field Station, Jackson Mall Office Center, Suite 316, 300 Woodrow Wilson Avenue, Jackson, Mississippi 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Wendell Neal (see ADDRESSES above) (601/960-4900), or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

The American alligator (*Alligator mississippiensis*) occurs in varying densities in wetland habitats throughout the Southeast including all or parts of the following States: Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, Oklahoma, North Carolina, South Carolina, and Texas. The alligator is a large wetland inhabitant of significant scientific and commercial value. Crocodilians such as the American alligator are the only extant representatives of the order Archosauria, and this species represents one of only two extant species of the genus *Alligator*. The crocodilians evolved as a group some 180-200 million years ago and show many advanced characteristics, such as a four-chambered heart, rudimentary diaphragm, and elaborate material care and behavior.

The alligator was first classified as endangered throughout its range in 1967 due to a concern over poorly or unregulated harvests. Subsequently, in response to Federal and State protection, the alligator recovered rapidly in many parts of its range, enabling the Service to undertake the following reclassification actions: (1) Reclassification to threatened by similarity of appearance in three coastal parishes of Louisiana, reflecting complete recovery (September 26, 1975—40 FR 44412); (2) Reclassification to threatened reflecting partial recovery, in all of Florida and certain coastal areas of South Carolina, Georgia, Louisiana, and Texas (January 10, 1977—42 FR 2071); (3) Reclassification to threatened by similarity of appearance, again reflecting complete recovery, in nine additional parishes of Louisiana (June 25, 1979—44 FR 37130); (4) Reclassification to threatened by similarity of appearance in 52 parishes in Louisiana, reflecting complete recovery (August 10, 1981—46 FR 40664); (5) Reclassification to threatened by similarity of appearance in Texas, reflecting complete recovery (October 12, 1983—48 FR 46332).

In June 1982, the Service began an additional status assessment of the alligator. This effort was begun in the State of Florida by a review of data and materials held by the Gainesville Wildlife Research Laboratory of the Florida Game and Fresh Water Fish Commission. The data with the most significant bearing on status of Florida alligators are found in results of night count surveys which have been conducted since 1971 in all major habitat types. These data are stored on

computer at the Wildlife Research Laboratory. Dr. C. L. Abercrombie, a biologist stationed at the laboratory, provided summaries and analyses of these unpublished data based on computer printouts of about 3,000 miles of survey lines. The Wildlife Research Laboratory also holds large quantities of data on population parameters for specific research areas, including Orange Lake, Lake Griffin, Newnans Lake, and Lochloosa Lake. In addition, in order to more fully understand Florida alligator data, a number of references were consulted, including Goodwin and Marion (1979; 1980), Hines (1979), Dietz and Hines (1980) and Wood and Humphrey (1983). The most important of these are listed in the Reference section of this proposed rule.

The evaluation of past, current, and likely future alligator habitat status is based primarily on data obtained from the Fish and Wildlife Service's National Wetlands Inventory Station, St. Petersburg, Florida. These data are the best available and provide estimates of past and present acreage in various wetland habitat types.

The Service believes these data indicate that the American alligator in Florida is not likely to become endangered within the foreseeable future, and thus its current designation as a threatened species should be changed. However, because of the alligator's similarity of appearance to other endangered crocodilians and the fact that hides or other parts may occur in the same trade, it is necessary to maintain restrictions on commercial activities involving alligators taken in the State to insure the conservation of other alligator populations, as well as other crocodilians, that are threatened or endangered. This will be accomplished through restrictions in the Service's special rule on American alligators (50 CFR 17.42(a)). Section 4(e) of the Endangered Species Act authorizes the treatment of a species (or subspecies or group of wildlife in common spatial arrangement) as an endangered or threatened species even though it is not otherwise listed as endangered or threatened, if it is found. (a) That the species so closely resembles in appearance an endangered or threatened species that enforcement personnel would have substantial difficulty in differentiating between listed and unlisted species; (b) that the effect of this substantial difficulty is an additional threat to the endangered or threatened species; and (c) that such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of the Act.

The Service already treats American alligators found in Louisiana and Texas as threatened because of their similarity of appearance to other American alligators, as well as other crocodilians, that are listed as threatened or endangered. Certain restrictions are imposed on commercial activities involving specimens taken in Louisiana and Texas to insure the conservation of other endangered or threatened alligators and other crocodilians. The Service now proposes to treat American alligators found in Florida as threatened due to similarity of appearance, and to impose similar restrictions on commercial activities involving specimens taken in Florida.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 Amendments—see proposal at 48 FR 36062, August 8, 1983)

set forth five factors to be used in determining whether to add, reclassify, or remove a species from the list of endangered and threatened species. These factors and their application to the American alligator (*Alligator mississippiensis*) in Florida are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* American alligator populations, in terms of both density and total numbers, are limited by the productivity and amount of available habitat. Florida has more alligator habitat than any other State within the alligator's range. The best available data on wetland habitat in Florida comes from the National Wetlands Inventory group of the Service, which is located in St. Petersburg, Florida. Although there are many publications on Florida wetlands, they lack the specificity found in these draft data. Table 1, below, depicts these estimates by habitat type according to Circular 39 (Shaw and Fredine, 1956), a Service publication which classifies wetland types.

and Fresh Water Fish Commission. The estimates were based upon night count survey data (Abercrombie, 1982), nuisance complaint records, and personal observation and knowledge by these biologists of the distribution and abundance of alligators in Florida.

Table 1 indicates that more than 6,700,000 acres of Florida wetland are occupied by alligators; this probably represents more than one-third of the total habitat occupied by the species throughout its range. A general summary of occupied habitats in Florida is as follows: fresh marsh—approximately 3,600,000 acres; wooded permanent water areas—1,200,000 acres; lakes—estimated to number 30,000 and comprising 1,700,000 acres; and rivers and streams—200,000 acres.

One habitat type, the palustrine emergent, which includes the Everglades and other freshwater marshes, has undergone loss of approximately 25 percent in the last 30 years due to drainage and conversion to agricultural use. Also, this habitat type has been rendered less productive as alligator habitat due to the construction of levee systems for flood control. However, the total amount of fresh marsh habitat still substantially exceeds 3 million acres and is likely to remain an abundant habitat type for the foreseeable future. The data also show losses occurring in saltmarsh and brackish areas, but these have never been important components of alligator habitat.

Florida's lake habitats, although smaller in total size than the fresh marshes, are highly productive, often having alligator densities well in excess of the marsh areas. In terms of available habitat, lakes are not being lost to man's activities, although residential buildup on some lakes cause an increase in potential human/alligator conflicts and some marshes associated with lakes are being drained. The streams of northern Florida contribute the least to the total Florida alligator population, due to the relative scarcity of suitable habitat.

Overall, Table 1 indicates that Florida currently has large amounts of alligator habitat, and this is likely to continue for the foreseeable future. Furthermore, State and Federal land holdings currently total 2,949,947 acres, much of which is occupied alligator habitat (Hines, 1979). Additional State acquisition of key wetland areas in south Florida has been authorized and new Federal acquisition is being considered. In summary, it is concluded that habitat loss does not pose a threat to the overall status of the American alligator in Florida within the foreseeable future.

TABLE 1.—DRAFT DATA ON WETLAND INVENTORY IN FLORIDA—FROM NATIONAL WETLAND INVENTORY, U.S. FISH AND WILDLIFE SERVICE, ST. PETERSBURG, FLORIDA, EXCEPT AS OTHERWISE NOTED

Habitat type	1950 inventory (acres)	Late 1970's inventory (acres)	Change (acres)	Estimated occupancy by alligators (percent and acres)
Palustrine Forested:				
Cir. 39 types 1, 7, 8; bottomland hardwood forests: seasonally flooded basins or flats; cypress-gum swamps, bayheads, bogs, pocosins.	4,820,196 ±367,306	4,743,409 ±357,608	-76,787 ±76,538	15 712,000
Palustrine Scrub-Shrub:				
Cir. 39 type 6; buttonbush type	1,093,603 ±196,261	889,669 ±144,546	-203,904 ±168,886	50 445,000
Palustrine Emergent:				
Cir. 39 types 2, 3, 4; inland fresh, shallow marshes	4,891,257 ±459,299	3,635,037 ±397,494	-1,256,220 ±253,794	100 3,600,000
Estuarine Intertidal:				
Cir. 39 type 20; mangrove swamps	442,689 ±68,072	427,149 ±69,921	-15,539 ±16,030	5 21,000
Palustrine Open water:				
Cir. 39 type 5; water adjacent to marshes, cypress domes, small water bodies less than 20 acres.	75,102 ±11,343	116,052 ±13,376	+40,950 ±9,662	100 116,000
Lacustrine:				
Lakes larger than 20 acres in size	1,785,027 ±361,517	1,835,780 ±383,605	+50,753 ±54,556	85 1,560,000
Estuarine Intertidal Emergent:				
Cir. 39 types 16, 17, 18; coastal saltmeadows; salt-marsh—regularly and irregularly flooded.	283,202 ±57,808	244,507 ±53,484	-38,695 ±17,300	10 24,000
Palustrine (other):				
Cir. 39 type 5 and to some degree 4; all aquatic beds (lily pads, hydrilla).	8,026 ±2,438	34,983 ±25,056	+26,957 ±24,926	100 35,000
Rivers and Streams:				
Stream body only; taken from data provided by Division of Water Resources and Conservation; Florida Board of Conservation, Tallahassee, FL.	200,000			100 200,000
Totals	13,599,103 ±1,544,044	11,810,680 ±1,455,090		6,713,000

Trends are depicted as comparisons between the 1950 inventory and the late 1970's inventory. Because the data are derived through a sampling scheme, all figures are estimates with each carrying

a confidence interval. The table also shows an estimated occupancy rate by alligators. These estimates were made by Tommy Hines and Allen Woodward, biologists employed by the Florida Game

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The commercial demand for alligator products was responsible for overharvests which caused population declines in accessible habitats during the 1950's and 1960's. This problem was reversed primarily through a more effective protective mechanism brought about by the Lacey Act Amendment of 1969 which prohibited interstate commerce in illegally taken reptiles and their parts and products. This law provided Federal authority for dealing effectively with illegal activities in the market system. The Endangered Species Act of 1973 added heavy penalties which further enhanced the control of illegal taking. Vigorous enforcement by State and Federal authorities has been effective in controlling illegal activity.

The State of Florida contemplates expansion of existing alligator programs, which at this time are nuisance control and limited experimental harvests, to some form of sustained yield harvesting. Since uncontrolled harvesting was the reason for past over-exploitation in some areas, and sustainable yields from harvested populations are biologically limited, Florida is committed to harvests only to the extent permitted by available data. Such harvests will be strictly limited to insure against excessive harvests, as indicated by the State's approved Alligator Management Plan (Florida Game and Fresh Water Fish Commission, 1981). The only exception to this policy would be in extremely localized areas where potentially serious human/alligator conflicts exist; intentional over-harvests might occasionally be authorized for such situations to remove the threat to human safety and promote overall public tolerance of the species.

In developing these policies, the Florida Game and Fresh Water Fish Commission has conducted population surveys and instituted population modeling research aimed at testing the sustained yield concept and the changes in population dynamics which may result from harvests. Data from this research are intended to fashion any future harvest to meet the Alligator Management Plan goal.

The results of the night counts conducted by the State in all major habitat types since the late 1960's illustrate the success of control of overharvest. These counts, along with

personal observations by many biologists and State nuisance complaints records, confirm that alligator populations are abundant and productive on a State-wide basis. For example, Orange Lake near Gainesville is considered by Florida alligator biologists to contain a healthy population of alligators. The lake serves as an alligator research area for the State. Alligators on this lake have been monitored for several years through repeated night counts and nest counts. Using the size-class frequency model developed by Taylor and Neal (1983), the average 90-100 nest count on Orange Lake can be shown to be associated

with an after-hatching alligator density of approximately one alligator per acre, or 8,000-10,000 total animals. Similar densities in many of Florida's lakes are not uncommon, according to State alligator biologists.

Table 2 depicts amounts of effort expended (miles/year) on night count surveys in seven Florida habitat types for the period 1974-81. The data base which contains the results of these surveys is on computer at the State Wildlife Research Laboratory in Gainesville. These survey routes are widely distributed throughout the State and represent the major habitat types occupied by alligators.

TABLE 2.—NUMBER OF MILES RUN PER YEAR FOR SEVEN HABITAT TYPES

Habitat type	Year							
	1974	1975	1976	1977	1978	1979	1980	1981
1. Open Lake	46.5	55.2	89.3	190.8	79.4	111.3	144.8	97.0
2. Riverine	27.4	59.8	106.0	128.2	129.7	134.9	134.5	58.6
3. Marsh	0	36.5	11.0	37.2	11.0	39.0	40.0	6.0
4. Canal, rural	15.8	42.9	62.2	77.7	107.0	121.0	121.0	48.3
5. Canal, urban	30.0	20.0	20.0	40.0	20.0	0	20.0	10.0
6. Phosphate pit	0	14.5	14.5	0	6.5	14.5	13.5	0
7. River marsh	0	0	10.5	0	60.3	50.3	60.3	70.4

Based on these counts, Abercrombie (1982) compared selected past and present densities (alligators/mile) of three size groups—small, medium, and large alligators—using 1977 as a break point for the comparisons.

TABLE 3.—A COMPARISON OF SMALL (2 TO 4 FT.) ALLIGATORS/MILE, BEFORE 1977 AND 1977-1981, BY HABITAT TYPES LISTED IN TABLE 2

Period	Average density by habitat type						
	1	2	3	4	5	6	7
Before 1977	2.80	0.48	3.78	0.99	0.10	0.14	1.33
1977-81	5.00	0.85	4.10	1.41	0.10	0.51	2.10
Percent change	+78	+77	+8	+42	0	+260	+58

TABLE 4.—A COMPARISON OF MEDIUM (4 TO 7 FT.) ALLIGATORS/MILE, BEFORE 1977 AND 1977-81, BY HABITAT TYPE

Period	Average density by habitat type						
	1	2	3	4	5	6	7
Before 1977	1.70	0.48	2.90	0.88	0.12	0.32	0.19
1977-81	2.10	0.60	3.30	1.36	0.19	0.63	1.14
Percent change	+24	+26	+14	+55	+58	+97	+500

TABLE 5.—A COMPARISON OF LARGE (7 FT.+) ALLIGATORS/MILE, BEFORE 1977 AND 1977-81, BY HABITAT TYPE

Period	Average density by habitat type						
	1	2	3	4	5	6	7
Before 1977	0.41	0.21	0.45	0.13	0.02	0.11	0.19
1977-81	0.88	0.19	1.06	0.34	0.07	0.21	0.41
Percent change	+114	-.02	+126	+161	+250	+91	+116

These comparisons show increasing counts for virtually all size classes and habitat types. Table 6 compares pre- and post-1977 size composition found in these counts for 6 habitat types.

TABLE 6.—A COMPARISON OF ALLIGATOR SIZE COMPOSITION FROM NIGHT COUNTS MADE BEFORE 1977 AND 1977-81, BY HABITAT TYPE

Habitat		Small (2' to 4') (per- cent)	Medium (4' to 7') (per- cent)	Large (7' +) (per- cent)
1.....	Pre-1977.....	51.1	34.1	8.6
	1977-81.....	63.0	25.9	11.1
2.....	Pre-1977.....	40.8	41.2	18.0
	1977-81.....	48.5	38.9	12.5
3.....	Pre-1977.....	53.2	40.4	6.3
	1977-81.....	45.3	43.7	11.3
4.....	Pre-1977.....	49.7	43.9	6.3
	1977-81.....	45.3	43.7	11.0
5.....	Pre-1977.....	41.7	50.0	8.3
	1977-81.....	28.1	53.1	18.8
6.....	Pre-1977.....	24.3	56.8	18.9
	1977-81.....	37.9	46.7	15.4

Although certain differences are noted in size composition, none are major and no trends are apparent.

Average counts of alligators/mile from Florida lakes and marshes can be compared to counts made in the same habitat types in Louisiana. These averages include data from Tables 3, 4, and 5 as well as alligators that could not be estimated as to size-class which are omitted from the Tables. Florida lakes averaged 11.9 alligators/mile prior to 1977 and 13.8/mile from 1977-81. Florida marshes averaged 11.3/mile prior to 1977 and 13.3/mile from 1977-81. In comparison, Louisiana lakes averaged 1.4/mile during 1971-78 and marshes averaged 5.09/mile in 1977 and 1978. These comparisons of average counts are influenced by a variety of factors and are open to various interpretations. Thus, these numbers do not necessarily indicate that Florida alligator densities are much greater than Louisiana densities. However, they do indicate that Florida night counts show extremely high densities of alligators.

Abercrombie (1982) provides some evidence of an increase in larger alligators, which might suggest recovery. Discussions with State biologists indicate that an actual recovery in numbers is likely limited to those accessible areas which were at one time subject to heavy poaching. This is the result of successful control of all but insignificant levels of illegal activity in Florida. The resilience of alligators which are protected following a period of overexploitation is referred to by Craighead (1969), who studied alligators in the Everglades, and by McIlhenny (1935), in describing three newly established wildlife refuges in south

Louisiana that had been previously subjected to excessive harvests.

Based on the preceding data, some generalizations may be made: (a) Density (alligators counted/mile) shows increases when the pre-1977 and post-1977 periods are compared; (b) small, medium, and large size classes are all well represented, indicating that the populations being surveyed are successfully reproducing and that survivorship is adequate; (c) the survey routes confirm that the species is well distributed throughout Florida's major habitat types; and (d) there are no significant trends or major shifts in composition of the population by size class, which could otherwise indicate the effects of illegal exploitation (Cott, 1961).

C. *Disease or predation.* Alligators suffer various types of disease and predation, as do most wildlife species, but these factors are a natural part of the alligator's existence and do not threaten the continued welfare of the species.

D. *The inadequacy of existing regulatory mechanisms.* The adequacy of existing Federal and State regulations for protection and management of the alligator is reflected by the healthy status of the alligator in Florida as described above. The following laws and regulations are germane: (1) The 1969 Amendment to the Lacey Act, which extended Federal law enforcement authority to interstate movement of reptiles and their products; (2) The Endangered Species Act of 1973, which provided mandatory protections for alligators in Florida while they were listed as endangered from 1973-78, and which authorizes the current special rules for threatened (including similarity of appearance) alligators, governing taking and commerce in alligator products; (3) The annual findings of the Scientific and Management Authorities of the Service, which govern the export of species, including the American alligator, listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); (4) State of Florida statutes which govern taking and commerce in alligators; (5) Regulations of the Florida Game and Fresh Water Fish Commission establishing and governing nuisance control programs, alligator farms, and harvests; and (6) The Florida Alligator Management Plan. Florida statutes and regulations provide for complete adherence to the Service's special rule on American alligators.

As discussed above, the State has adopted an Alligator Management Plan and is conducting an extensive research

program designed to insure against overharvest of the species. Harvest rates or quotas which would result from the sustained yield program would be based on preharvest surveys and tag allotments, or drawings for public areas designed to achieve harvests within estimated sustainable yields. The research program cited above should insure that management programs are effected using the best scientific data and techniques available. Also, the State fills the role of recordkeeper, dealer, and marketer for hides taken during nuisance control and experimental harvest programs. The State will continue this role as seasons are expanded. The only self-marketing done by hunters at this time is the sale of meat and other products such as teeth and skulls. Florida statutes and regulations and the Service's special rule on American alligators regulate commerce in meat through a permitting system designed to preclude unmanaged and therefore illegal marketing of alligator meat.

E. *Other natural or manmade factors affecting its continued existence.* Although factors such as nest flooding or drought may affect alligators, none of these are known to have limited populations on a State-wide basis nor are they expected to become threatening to State-wide populations in the future.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to reclassify the American alligator to threatened due to similarity of appearance. Criteria for removing species from the list of endangered or threatened species are found at 50 CFR 424.11(d). They include extinction, recovery of the species, and original data for classification in error. This proposal is based upon evidence that the species is not biologically threatened in Florida. Past reclassification actions of the American alligator have been based upon partial or complete recovery. This proposal recognizes that some populations have shown increases (Wood and Humphrey, 1983). However, it also recognizes that on a State-wide basis little direct evidence of abundance exists which conclusively demonstrates an overall increase in alligator populations. The original listing of the American alligator as an endangered species occurred in 1967. The best available data with a bearing on status at that time were limited and highly subjective, providing little information on actual distribution and abundance.

Current data on the alligator in Florida, though still somewhat subjective, provide sufficient evidence that the species does not warrant retention on the Federal list as biologically threatened, a classification intended for species which are believed likely to become endangered within the foreseeable future.

Night count data on Florida alligators reveal high densities compared to similar Louisiana data from populations which are considered recovered. Also, available night count data confirm that the species is well distributed, has good reproduction, and shows no evidence of trends in size-class ratios which could indicate that populations were experiencing major changes.

Florida alligators occupy an estimated 6.7 million acres of habitat; although some habitat loss is occurring, particularly in south Florida, given the extensive amounts of habitat in Florida, this loss will not threaten the species' existence within the foreseeable future. The Service believes that sufficient regulatory controls and mechanisms are in place to ensure against substantial losses of Florida alligators to illegal activity. Further, it is believed that the comprehensive commitment of the Florida Game and Fresh Water Fish Commission to research and management involving this species will ensure continued healthy alligator populations in the State.

Similarity of Appearance

Section 4(e) of the Endangered Species Act authorizes the treatment of a species as an endangered or threatened species even though it is not otherwise listed as endangered or threatened, if it is found: (a) that the species so closely resembles in appearance an endangered or threatened species that enforcement personnel would have substantial difficulty in differentiating between listed and unlisted species; (b) that the effect of this substantial difficulty is an additional threat to the endangered or threatened species; and (c) that such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of the Act.

With regard to the American alligator in Florida, the Service finds that each of these factors apply. There is little morphological geographic differentiation within the American alligator, which results in Florida specimens being virtually indistinguishable from live animals, or parts or products of alligators, in other parts of the range where the species is listed as endangered or threatened. In addition, while live alligators are readily

distinguished from other crocodilians that are listed under the Act, at least by specialists, untrained enforcement personnel could have considerable difficulty in making correct species identification which could hamper enforcement efforts. In addition, small parts and products of processed crocodilian leather are nearly impossible to distinguish when made into goods, thus hampering the identification of legal alligator products from those of endangered or threatened crocodilians. Such identification difficulties could result in allowing illegal trade in endangered crocodilian products to enter markets and thus further jeopardize these species.

By listing the American alligator under the similarity of appearance provisions of the Act, coupled with the special rules for American alligators as specified in § 17.42, the Service believes that enforcement problems can be minimized while at the same time ensuring the conservation of listed populations of the American alligator and other crocodilians. The similarity of appearance provisions of the Act have proven effective in the State of Louisiana where various populations of the species have been listed as threatened by similarity of appearance since 1975.

Critical Habitat

Critical habitat for the American alligator was not designated at the time of listing and has not been since designated. Therefore, this proposed rule, if finalized, will have no effect on critical habitat for this species.

Effects of Rule

This proposal, if made final, would change the alligator in Florida from its current status of threatened to a status of endangered due to similarity of appearance. It would be a formal recognition by the Service of a biologically secure status of the American alligator in a part of its range. A final rule would result in removal of Federal agency responsibilities under Section 7 of the Endangered Species Act. No significant adverse effects of the status of the species are expected to occur from this removal.

A final rule from this proposal would make available to the State of Florida the option of expanding harvest of alligators to additional areas. If the State elects to expand its harvest, these harvests could be expected to increase at a level commensurate with development and implementation of the State research and management program. All taking and commerce in alligators and their parts and products

would be regulated by the Service's special rule on American alligators (50 CFR 17.42(a)), as well as other applicable controls such as the Lacey Act (16 U.S.C. 3371 *et seq.*), which prohibits interstate commerce in illegally taken wildlife or their products.

Increased harvest of alligators is expected to result in an increased volume of alligator exports, although the magnitude of this increase cannot be predicted at this time. The Service has previously expressed its concern about the effects of increased exports on other endangered crocodilians found in international trade. International trade in alligator products is presently subject to the restrictions of CITES, the Service's implementing regulations (50 CFR Part 23) and general wildlife exportation requirements (50 CFR Part 14). Previous determinations by the Service's Scientific and Management Authorities have concluded that export of alligators taken in Louisiana and Florida would not be detrimental to the survival of the alligator or other endangered crocodilians. The Service will continue to review this possible impact and will take appropriate action if evidence indicates that restrictions are warranted. This proposed action, if completed, would not be an irreversible commitment on the part of the Service. The action is reversible and relisting is possible if the status of the species changes or if the State materially changes its plans or actions in a way that may threaten the species. The Service will continue to monitor and review the State's management program.

Public Comments Solicited

The Service intends that any final rule adopted be as accurate and effective as possible in the conservation of any endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments are sought particularly concerning:

- (1) Biological, commercial, or other relevant data concerning any threat (or lack thereof) to the American alligator in Florida; and
- (2) Additional information concerning the range and distribution of this species.

Final promulgation of regulations on the American alligator in Florida will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of

a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Service's Jackson Endangered Species Field Station (see ADDRESSES section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 CFR 49244).

Literature Cited

The following documents were used in the preparation of this proposed rule. These and other documents supplying background information including all unpublished data are on file at the Service's Jackson Endangered Species Field Station (see ADDRESSES section).

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Author

The primary author of this proposed rule is Mr. Wendell Neal of the Service's Jackson Endangered Species Field Station (see ADDRESSES section).

List of Subjects in 50 CFR Part 17

Endangered and threatened Wildlife, Fish, Marine mammals, and Plants (agriculture).

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.11(h) by revising listing of the American alligator under "Reptiles" in the List of Endangered and Threatened Wildlife as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Reptiles:							
Alligator, American	<i>Alligator mississippiensis</i>	Southeastern U.S.A..	Wherever found in wild except those areas where listed as threatened, as set forth below.	E	1, 11, 51, 60, 113.	NA	NA
Alligator, American	do	do	U.S.A. (Certain areas of GA, SC, and as set forth in sec. 17.42(a)(1)).	T	20, 47, 51, 60	NA	17.42(a)
Alligator, American	do	do	U.S.A. (LA, TX, FL) ..	T(S/A)	11, 47, 51, 60, 113, 134.	NA	17.42(a)
Alligator, American	do	do	In captivity wherever found.	T(S/A)	11, 47, 51	NA	17.42(a)

3. Paragraph (a)(1) of § 17.42 is revised to read as follows:

§17.42 [Amended]

(a) American alligator (*Alligator mississippiensis*).

(1) Definitions. For purpose of this paragraph (a): "American alligator" shall mean any member of the species *Alligator mississippiensis*, whether alive or dead, and any part, product, egg, or offspring thereof occurring: (i) In captivity wherever found; (ii) in the wild wherever the species is listed under § 17.11 as Threatened by Similarity of Appearance (T[S/A]); or (iii) in the wild in the coastal areas of Georgia and South Carolina, contained within the

following boundaries: From Winyah Bay near Georgetown, South Carolina, west on U.S. Highway 17 to Georgetown; thence west and south on U.S. Alternate Highway 17 to junction with South Carolina State Highway 63 south of Walterboro, South Carolina; thence west on State Highway 63 to junction with U.S. Interstate Highway 95; thence south on U.S. Interstate Highway 95 (including incomplete portions) across the South Carolina-Georgia border to junction with U.S. Highway 82 in Liberty County, Georgia; thence southwest on U.S. Highway 82 to junction with U.S. Highway 84 at Waycross, Georgia; thence west on U.S. Highway 84 to the Alabama-Georgia border; thence south

along this border to the Florida border and following the Georgia-Florida border eastward to the Atlantic Ocean.

"Buyer" shall mean a person engaged in buying a raw, green, salted, crusted or otherwise untanned hide of an American alligator.

"Tanner" shall mean a person engaged in processing a raw, green, salted, or crusted hide of an American alligator into leather.

Dated: June 7, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-16290 Filed 6-19-84; 8:45 am]

BILLING CODE 4310-55-M

fast track report federal

Wednesday
June 20, 1984

Part III

Nuclear Regulatory Commission

Monthly Notice; Applications and
Amendments to Operating Licenses
Involving No Significant Hazards
Considerations; Notice

**NUCLEAR REGULATORY
COMMISSION****Monthly Notice; Applications and
Amendments to Operating Licenses
Involving No Significant Hazards
Considerations****I. Background**

Pursuant to Public Law (Pub. L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing its regular monthly notice, Pub. L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This monthly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last monthly notice which was published on May 23, 1984 (49 FR 21824) through June 11, 1984.

**NOTICE OF CONSIDERATION OF
ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND
PROPOSED NO SIGNIFICANT
HAZARDS CONSIDERATION
DETERMINATION AND
OPPORTUNITY FOR HEARING**

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments 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 basis for this proposed determination for each amendment request is shown below.

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, Attention: Docketing and Service Branch.

By July 20, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of 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 immediately 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 before action is taken. 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, N.W., 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 (*Branch Chief*): 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 the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local public document room for the particular facility involved.

Alabama Power Company, Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama

Date of amendments request: April 10, 1984.

Description of amendments request: The amendments would modify the Technical Specifications to define the reactor coolant system pressure isolation valves (PIV's) allowable leakage criteria per Commission guidance contained in License Amendment No. 25 for Farley Unit 2, dated September 8, 1982. The licensee's proposal supersedes earlier change proposals dated August 10, and December 23, 1982. The change would also standardize the Technical Specifications for Farley Unit Nos. 1 and 2 in accordance with additional Commission guidance relating to the number and identification of PIV's to be tested.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a no significant

hazards consideration determination by providing certain examples (48 FR 14870). The license stated that the proposed amendment is similar to Commission example "(iv) A relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated. This assumes that the operating restriction and the criteria to be applied to a request for relief have been established in a prior review and that it is justified in a satisfactory way that the criteria have been met."

We agree that the proposals are similar to Commission example "(iv)" since the changes would assure that the PIV leakage criteria meets the NRC staff criteria and the criteria would be consistent between Units 1 and 2. The criteria has been reviewed and found acceptable previously in Commission safety evaluation for Amendments No. 20, dated November 24, 1982, and No. 25 dated September 8, 1983. The number and identification of PIV's which the Commission requires to be tested was previously approved by NRC letter to the licensee dated January 26, 1984. Therefore, based on these considerations the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: George F. Trowbridge, Esquire, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Alabama Power Company, Docket No. 50-348, Joseph M. Farley Nuclear Plant, Unit No. 1, Houston County, Alabama

Date of amendment request: April 20, 1984.

Description of amendment request: The amendment would modify the Technical Specifications to change Table 4.4-5 and Figures 3.4-2 and 3.4-3 based on the results of analysis of Capsule U Reactor Vessel Material Radiation Surveillance Program and is in accordance with 10 CFR Part 50 Appendix H (48 FR 24008 dated May 31, 1983). Analysis results are detailed in WCAP-10474 provided to the Commission by licensee letter dated March 1, 1984.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a no significant hazards consideration determination by providing certain examples (48 FR

14870). The example which the changes to Figures 3.4-2 and 3.4-3 of the proposed amendment fits is: "(i) A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature." The licensee states that correcting errors due to instrument errors previously shown in the Figures are administrative. We agree that these changes are administrative in nature.

The example which the remainder of the changes proposed by the licensee fits is: "(vi) 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: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method." The licensee states that the changes to Table 4.4-5 fit this example. We agree that the changes are a refinement of previously used calculational methods based on the analytical evaluations of the data of Section 6 and 7 of WCAP-10474, "Analysis of Capsule U from the Alabama Power Company Joseph M. Farley Unit 1 Reactor Vessel Radiation Surveillance Program," which was provided by letter from the licensee dated March 1, 1984. Current Technical Specifications, based on requirements of 10 CFR Part 50 Appendix H, require the licensee to perform certain reactor vessel material surveillances. The licensee has performed the evaluation based on retrieval and analysis of Capsule U following 3.02 Effective Full Power Years of operation on Unit 1. The evaluation results in needed changes in Table 4.4-5. These changes would not increase the probability or consequences of previously analyzed accidents or reduce any safety margin, and are clearly within all acceptable criteria with respect to the reactor vessel. Therefore, for these reasons the Commission proposes that the changes proposed in the amendment would not be considered a significant hazards consideration.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: George F. Trowbridge, Esquire, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Alabama Power Company, Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama

Date of amendments request: May 14, 1984.

Description of amendments request: The amendments would modify the Technical Specifications in Section 6, Administrative Controls, to reflect changes in title of the Vice President Nuclear Generation to be Senior Vice President and to eliminate the former management position.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a no significant hazards consideration determination by providing certain examples (48 FR 14870). The example which the licensee proposed that the amendments fit is: "(i) A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature." We agree with the licensee's analysis since the changes simply revise the title of the senior nuclear manager in the Administrative Controls section of the Technical Specifications.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: George F. Trowbridge, Esquire, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Arkansas Power and Light Company, Docket No. 50-368, Arkansas Nuclear One Unit No. 2, Pope County, Arkansas

Date of amendment request: March 28, 1984.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) pertaining to the Surveillance Requirements for diesel generator testing. Specifically, the TS Surveillance Requirement 4.8.1.1.2.C.7 which reads, "Verifying that on a simulated loss of the diesel generator (with offsite power not available), the loads are shed from the emergency buses and that subsequent loading of the diesel generator is in accordance with design requirement." This proposed change is submitted in response to the NRC Generic Letter No. 83-30 dated July 21, 1983. In the letter, the NRC staff stated that the above Surveillance Requirement is not consistent with the provisions of General Design Criterion (GDC) 17,

Regulatory Guide 1.108 and the NRC Standard Review Plans in that the above Surveillance Requirement goes beyond the single failure criterion, since it deals with operation of the diesel generator after a single failure (a loss of the diesel generator with offsite power not available) has occurred. In accordance with the provisions of GDC 17 and the NRC Standard Review Plans, redundant diesel generators are provided to meet the single failure criterion with loss of offsite power. The NRC staff recommended in the Generic Letter that the licensee propose an amendment to the TS to delete the above Surveillance Requirement in order to rectify the inconsistency.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards relates to 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 acceptance criteria with respect to the system or component specified in the Standard Review Plan.

The proposed change represents a relaxation in Surveillance Requirements for diesel generator testing. However, even with the proposed deletion of the above Surveillance Requirement, the remaining Surveillance Requirements would provide sufficient information to assess the status of the diesel generator with regard to degradation and its ability to serve as a standby (onsite) power supply. These requirements for periodic diesel generator testing include starting test, design load test (capacity), load rejection test, auto-start test, load acceptance test and functional test. Therefore, the results of this change, while relaxing the Surveillance Requirements for diesel generator testing, are clearly within the acceptance criteria.

Based on the foregoing, the NRC staff proposes to determine that the proposed change involves no significant hazards considerations.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq., c/o Bishop, Liberman, Cook, Purcell & Reynolds, 1200 Seventeenth Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendment request: October 24, 1983.

Description of amendment request: The proposed amendment would change the Unit 1 and Unit 2 Physical Security, Training and Qualification, and Safeguards Contingency Plans.

Basis for proposed no significant hazards consideration determination: The proposed change would delete from the physical security, training and qualification, and safeguards contingency plans commitments to utilize two types of shoulder-fired weapons. Title 10 CFR 73.55 requires that armed guards be immediately available to fulfill response requirements and to use force sufficient to counter the force directed at them including the use of deadly force. Appendix B of 10 CFR 73.55 requires each guard to be qualified in the use of assigned weapons. The licensee has complied with these requirements. Currently, Calvert Cliffs response guards are trained in and have immediately available two types of shoulder-fired weapons. The licensee is now requesting that the commitment in the physical security, training and qualification, and safeguards contingency plans be changed to eliminate one of the two weapons available to the guard force during a security event.

NRC physical security regulations do not explicitly require that shoulder-fired weapons be available onsite for response purposes. However, the staff has consistently maintained that either shotguns or semi-automatic rifles (but not both) were necessary to satisfy the response requirements of § 73.55(h), particularly in regard to neutralization of the threat as set forth in subparagraph (4)(iii) of this Section. This position is stated in paragraph 3.6 of NUREG-0908. The licensee's justification for deleting one type of response weapon from the site armament is based on site specific considerations. The staff has reviewed the licensee's proposal in this regard and concluded that the compensating features identified (size and configuration of the defended area, and the proximity of offsite response forces) do reduce the need to maintain both types of defense weaponry.

It is the NRC's judgment that the amended Security Plans for Calvert Cliffs continue to satisfy the requirements of 10 CFR 73.55 (b) through

(h), and Appendices B and C to Part 73 and thus the Commission proposes to determine that the request for the amendments involves no significant hazards considerations.

Local Public Document Room
location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: George F. Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M. Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Baltimore Gas and Electric Company,
Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendment:
April 9, 1984.

Description of amendment request:
the proposed amendments would change the Unit 1 and Unit 2 Technical Specifications (TS) to reflect: (1) Proposed changes to the administrative requirements of TS 6.2, "Organization", associated with corporate organizational changes, (2) installation of additional fire protection instrumentation and (3) a proposed change in the administrative control of access to high radiation areas. These changes to the TS are in partial response to the application dated April 9, 1984. The remaining issues addressed in the April 9, 1984 application will be addressed in future correspondence.

Basis for proposed no significant hazards consideration determination:
The licensee has proposed two changes to the organizational requirements of IS 6.2, "Organization". The first modification would change the title of the "Senior Control Room Operator" (SCRO) to "Control Room Supervisor" in TS Figure 6.2.2. This change is necessary to distinguish to SCRO who is on duty in the control room, who will be referred to as the Control Room Supervisor, from other SCROs who may be assigned to other duties at the facility.

The second proposed modification would change the corporate responsibility for the BG&E Fire Prevention Unit as shown in TS Figure 6.2-1. The Fire Prevention Unit, which originally reported to the General Supervisor-Finance, now reports to the Manager-Real Estate and Office Services. Because of this organization responsibility shift, the corporate responsibility for the Fire Protection Program is now assigned to the Vice President-General Services.

In both the proposed changes to TS 6.2, the safety function of the individual or organizational units involved have not been changed and therefore the proposed changes are only

administrative in nature. The Commission has provided guidance concerning the application of standards concerning "no significant hazards considerations" by providing certain examples (48 FR 14870). Purely administrative change to Technical Specifications are explicitly considered not likely to involve significant hazards considerations. Accordingly, the Commission proposes to determine that the proposed changes to TS 6.2 involve no significant hazards considerations.

The second change to the TS results from the installation of additional fire protection instrumentation. This instrumentation, described in proposed changes to TS Table 3.3-11, "Fire Detection Instrument", includes local heat, flame and/or smoke detectors, and an alarm system. The annunciators in the control room provide an audio-visual alarm which indicates the location of the affected area. Since the fire detection instruments listed in TS Table 3.3-11 are subject to Limiting Conditions for Operation, TS 3.3.3.7, "Fire Detection Instrumentation", the inclusion of the new instruments in TS Table 3.3-11 represents an additional limitation.

One example given in 48 FR 14870 for an amendment that is not likely to involve a significant hazards consideration is, "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications * * *". Since the proposed change to TS Table 3.3-11 represents an additional limitation via TS 3.3.3.7, the Commission proposes to determine that this proposed change to the TS involves no significant hazards considerations.

Finally, the licensee has requested a change to TS 6.12, "High Radiation Areas", concerning the control of keys to high radiation areas where the dose rate is greater than 1000 mrem/hr. At the present time TS 6.12.1.b requires that these keys be maintained under the administrative control of the shift supervisor on duty. The licensee has requested that these keys be maintained, " * * * by the Supervisor-Radiation Control and the Operations Shift Supervisor on duty under their separate administrative control."

Expanding the authority to control access to locked high radiation areas will not increase the probability or consequences of an accident previously evaluated. Typically, the few changes that affect dose rates (e.g., mode changes, fuel movement, ion exchanger line-ups, etc.) are internally communicated to the Radiation Control Unit. Similarly, the Radiation Control Unit informs Operations of non-routine entries into locked high radiation areas.

A new or different kind of accident from any accident previously evaluated is not possible since the locks and radiation sources have not been altered. The margin of safety will not be reduced, since the Radiation Control Supervisor also can administer the keys to the locked high radiation areas and ensure control over unnecessary exposure. Accordingly, the Commission proposes to determine that this change to the TS involves no significant hazards considerations.

Local Public Document Room
location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: George F. Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: March 20, 1984.

Description of amendment request:
The amendment would change the Technical Specifications by (1) extending the Power/Flow Map to include the region bounded by the following (power, flow) points: (100%/100%); (100%/107.5%); (80%/112.5%); (50%/112.5%); and (50%/100%); (2) imposing an additional restriction requiring the rod block monitor maximum trip level to be set at 107% power for core flow of 100% rated or greater; and (3) correcting a typographical error on page 55 (from "REM" to "RBM"). These changes would not permit continuous operation at power levels greater than 100% of the present rating, but increased core flow would result in greater energy output than is otherwise possible during reduced power operations, such as end-of-life coastdown.

Basis for proposed no significant hazards consideration determination:
The Commission has provided guidance for application of its criteria by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). These examples include:

(i) "A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature." (ii) "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement."

(vi) "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: for example, a change resulting from the application of a small refinement of a previously use calculational model or design method."

Item (1) of the proposed change would permit operation of the reactor with increased core flows (up to 112.5% of rated). The licensee has evaluated the effect of this change using methods previously approved by the staff and has concluded that it will not result in an increase in the probability or consequences of previously-analyzed accidents. The analyses provided by the licensee also show that a rod withdrawal error becomes the limiting transient during power operation at core flows greater than 100% rated. However, the effects of such a transient would be mitigated by a constant 107% power rod block trip. The licensee, therefore, proposes in item (2) to add this trip requirement to the technical specifications. With incorporation of the additional rod block monitor restriction, the licensee has concluded that the technical specifications are adequate to preclude violation of any safety limits during operation of Pilgrim within the proposed extension of the power/flow map.

The staff has considered the changes proposed in items (1) and (2) and finds that they are encompassed by examples (ii) and (vi) of the Commission's guidance. The staff also finds that the typographical correction proposed in item (3) is encompassed by example (i).

Based on the evaluation performed by the licensee and the fact that the proposed amendment is encompassed by examples of changes which are not likely to pose a significant hazards consideration, the staff proposes to determine that the application for amendment involves no significant hazards consideration.

Local Public Document Room
location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W. S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company,
Docket Nos. 50-325 and 50-324,
Brunswick Steam Electric Plant, Unit
Nos. 1 and 2, Brunswick County, North
Carolina

Date of application for amendment:
April 13, 1984.

Description of amendment request:
This submittal is a revision to the Carolina Power and Light Company's (licensee's) request for the Brunswick Steam Electric Plant Units 1 and 2 (BSEP) Technical Specification Amendments dated September 7, 1982 and noticed in the Federal Register on October 26, 1983, 49 FR 49576. Attachments 1 through 6 of the September 7, 1982 submittal were issued as Amendments 66 and 92 on March 6, 1984. Attachments 7 and 8 of the September 7, 1982 submittal were not included in the notice because the description was not complete. This notice is for attachments 7 and 8 of the September 7, 1982 submittal as revised by the April 13, 1984 submittal.

The proposed amendments would (a) revise the Surveillance Requirement and associated footnote relative to the 31-day interval primary containment demonstration such that verification would not be required for penetrations which are locked or secured inside primary containment or for penetration verified as closed during the previous 92 days and (b) revise the applicable operation condition footnote for item 1.e, Condenser Vacuum—Low, to allow the isolation function logic to be bypassed if all turbine stop valves are closed.

(a) Primary Containment
Demonstration.

The existing Technical Specification (TS) 4.5.1.1 requires that primary containment integrity be demonstrated on a 31-day basis by the verification of (1) containment penetrations being closed and (2) equipment hatches being sealed. Such verification is not required for penetrations which are locked or secured inside primary containment or for penetrations verified as closed during the previous 92 days. The current Standard Technical Specifications (STS) for the General Electric/Boiling Water Reactor-4 (GE/BWR-4), as endorsed by Chapter 16 of the Standard Review Plan, design now specify surveillance requirements for penetrations rather than providing separate surveillance requirements for containment equipment hatches. Therefore, the deletion of TS 4.6.1.1.a.2 is consistent with this GE/STS guidance. The proposed change concerning high radiation areas provides an exception to the verification requirements of TS 4.6.1.1 for containment penetrations which are

inaccessible due to high radiation. The proposed change concerning "COLD SHUTDOWNS greater than 48 hours" in the footnote TS 4.6.1.1 is being provided to establish a criteria for allowing sufficient time for plant personnel to perform the specified surveillance.

The proposed change, allowing certain valves and blind flanges in high radiation areas to be verified closed during each COLD SHUTDOWN of greater than 48 hours, was made with As Low As Reasonable Achievable (ALARA) considerations in mind. Requiring this surveillance to be performed once every 31 days unnecessarily exposes personnel to high radiation fields. Administrative controls are already in place which ensure that proper alignment is maintained.

(b) Condenser Vacuum Isolation.

The proposed TS change reflects actual plant logic which allows the low condenser vacuum isolation function to be bypassed if the turbine stop valves are closed. The current Brunswick TS required the low condenser vacuum isolation of the main steam isolation valves to be operable in both the Run and Startup Condition if vessel pressure is greater than or equal to 500 psig.

The purpose of the vacuum bypass switch is to allow reactor heatup prior to obtaining condenser vacuum. Operating the bypass switch will override the low vacuum Main Steam Isolation Valve (MSIV) (Group 1) isolation signal only when the turbine stop valves are closed and the reactor mode switch is not in the RUN position. In all other conditions, operating the bypass switch has been demonstrated as not required. Once this limit has been removed from the TS and operating manual, no additional procedures will need to be established to control its use because existing control logic will prevent inadvertent use when the condenser is vulnerable to accidental pressurization.

Inadvertent use of the low vacuum bypass switches is prevented by interlocking with Reactor Protection System indications of plant mode and turbine stop valve positions. Accidental pressurization of the condenser via the turbine bypass cannot occur because the turbine control logic will lock the bypass valves shut on low condenser vacuum signal sensed and actuated at the same setpoint as the TS instrument B21-PT-NO56 (Condenser Vacuum—Low Pressure Transmitter). Operator action or decision does not enter into the condenser protection scheme. The operator only decides whether to pressurize beyond the MSIVs to the turbine stop valves. In either situation the condenser is protected from

accidental pressurization and the resulting release of radioactive materials by automatic action of the reactor and turbine control functions. The main steam lines from the MSIVs to the turbine stop valves are protected from overpressurization by the safety relief valves. Relief valve settings are maintained below the design pressure rating of these steam lines.

This request is based upon documented test results indicating that instability problems encountered at older General Electric BWRs were not encountered during the Startup Condition of the BWR/4 design (refer to General Electric Service Information Letter No. 107 dated October 31, 1974). This change is also based on guidance as set forth in the current GE/BWR-4 Standard technical specification.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples involving no significant hazards consideration include (vi) 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; for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

The staff finds that the proposed amendment is similar to example vi since both changes are less restrictive; however, they are clearly within the criteria for such technical Specifications as stated in the Standard Review Plan and the Standard Technical Specifications. In addition, the staff previously accepted changes such as those proposed. On this basis the staff proposed that the amendment does not involve significant hazards consideration.

Local Public Document Room
location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

**Carolina Power and Light Company,
Docket No. 50-261, H. B. Robinson
Steam Electric Plant, Unit No. 2,
Darlington, South Carolina**

Date of amendment request: October 31, 1983, supplemented by April 26, 1984.

Description of amendment request: The original amendment request was initially noticed on January 26, 1984 (49 FR 3347). The original request changed the Technical Specifications requirements to incorporate reorganizational changes to add the existing security group and to meet the requirements of 10 CFR 50.54(m)(2). This supplemental request incorporates additional reorganizational changes to provide for all on-site reporting with the exception of Quality Assurance and Nuclear Safety.

Basis for proposed no significant hazards consideration determination: The proposed organizational changes are administrative in nature, i.e., changes to achieve consistency throughout the Technical Specifications and title changes and reference corrections. The amendment request is similar to example (i) of the examples of amendments that are considered not likely to involve a significant hazards consideration (see example (i) in 48 FR 14870, April 6, 1983).

Local Public Document Room
location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

**Commonwealth Edison Company,
Docket No. 50-373, La Salle County
Station, Unit 1, La Salle County, Illinois**

Date of amendment request: January 13, 1984, as modified by letters of March 22, 1984 and April 5, 1984.

Brief description of amendment request: Amendment No. — to Operating License NPF-11 is to revise the La Salle Unit 1 Technical Specifications to reflect changes incorporated into the La Salle Unit 2 Technical Specifications. The following is a list of proposed changes to the Unit 1 Technical Specifications based on the Unit 2 Technical Specification:

1. Page XIX through XXIII—add list of Table and Figures.

2. Page 1-9, * * * footnote would be modified to state "moved" instead of "coupled" so as to allow control rod testing required by the Technical Specifications in addition to coupling.

3. Single recirculation loop operation previously approved for Unit 1 would be moved into the body of the Tech Specs,

pages 2-1, 2-4, 3/4 2-1, 3/4 2-3, 3/4 2-4, 3/4 3-53, 3/4 4-1, 3/4 4-1a, 3/4 4-2, and 3/4 4-3.

4. Page 3/4 1-1—Tech Spec. 4.1.1.c would be revised to allow 12 hours instead of 1 hour for the performance of specified surveillance.

5. Page 3/4 1-3—add word "withdrawn" to action statement b.1.a)1) to clarify that, if an inoperable control rod is not "withdrawn" its safety function is met and need not be considered in determining separation from withdrawn operable control rods.

6. Page 3/4 1-5—add footnote to allow reactor startup to perform test if necessary.

7. Pages 3/4 1-6, 3/4 1-8, 3/4 1-9 and, 3/4 1-14—control rods specifications 3.1.3.2, 3.1.3.4, 3.1.3.5., and 3.1.3.7 would add "3.0.4 not applicable" thus permitting reactor startup with various control rod parameters not met as long as Tech. Spec action statements are followed.

8. Pages 3/4 3-4, 3/4 3-5, 3/4 3-41—would delete startup test setpoint verification footnote since the startup tests are completed.

9. Pages 3/4 3-11, 3/4 3-14—added footnote (i) to allow bypass of MSIV delta T detection trip channels for up to 4 hours.

10. Pages 3/4 3-15—revise reactor water cleanup ambient and differential temperature setpoints.

11. Pages 3/4 3-15, 3/4 3-16, 3/4 3-17—would delete startup test setpoint verification footnote since the startup tests are completed.

12. Pages 3/4 3-18, 3/4 3-19—add greater than or equal to 5 second time delay reference based on the requirements in license condition 2.C.(30).(b) that time delay relays be used.

13. Pages 3/4 3-39, 3/4 2-4, 3/4 2-5—add change to allow operation if EOC-RPT inoperable in accordance with the provisions of the Standard Technical Specifications for GE boiling Water Reactors.

14. Page 3/4 3-54—revise APRM calibration frequency to semi-annually in accordance with the provisions of the Standard Technical Specifications for GE Boiling Water Reactors.

15. Pages 3/4 3-60, 3/4 3-63—add footnote to clarify that the seismic and meteorological monitoring systems are common systems shared by Units 1 and 2.

16. Pages 3/4 3-72 and 3/4 9-4—add footnote to require a signal-to-noise ratio greater than 2 for source range count rates between 0.7 counts per second and 3 counts per second.

17. Pages 3/4 3-81, 3/4 11-13, 3/4 11-14—revise radioactive effluent reporting requirements.

18. Page 3/4 3-90—would specify that isolation of the off gas system is required only during channel calibration.

19. Page 3/4 4-2—modify the surveillance and operability requirements for the jet pumps to reflect the fact that there is no requirement for immediate scram upon loss of both recirculation pumps.

20. Page 3/4 4-5—revise tolerance on safety relief valve settings from +1% to + or -1%.

21. Page 3/4 4-7—revise tolerance on reactor coolant system (RCS) pressure at which leak rate limits for RCS isolation valves are applied from + or -10 psig to + or -50 psig.

22. Page 3/4 4-19—revise withdrawal times for reactor vessel material specimens to conform to regulations.

23. Pages 3/4 5-3, 3/4 5-4, 3/4 5-5—water tight doors specifications for ECCS corner rooms would be added.

24. Page 3/4 5-5—revised High Pressure Core Spray delta P setpoint.

25. Page 3/4 5-9—delete footnote for startup test setpoint verification since startup tests are completed.

26. Pages 3/4 6-2, 3/4 6-3—revise calculation method of Main Steam Isolation Valve leakage rate limit in accordance with the Standard Technical Specification for GE Boiling Water Reactors.

27. Pages 3/4 6-8, 3/4 6-9—revise action statements and surveillance requirements and make table clarifications for containment tendons.

28. Pages 3/4 6-15 and 3/4 11-19—add limitation on using standby gas treatment system for purging the primary containment.

29. Pages 3/4 3-70, 3/4 6-16, 3/4 5-17, 3/4 6-18—delete Safety Relief Valve test footnote since tests have been completed.

30. Table 3.6.3-1. (Pages 3/4 6-24, 3/4 6-25, 3/4 6-26, 3/4 6-27, 3/4 6-28, 3/4 6-32, 3/4 6-34)

a. (Primary Containment Isolation System valves) add # (3.0.4 not applicable) to various valves to reflect that the valves, when closed, maintain containment integrity and need not be operable.

b. Revise butterfly valve closure times after first refuel outage. (Also some VQ valve closure times would be changed immediately.)

c. Valves ICM023B and 2CM024A would be deleted from the list of containment isolation valves since these are, in fact, not containment valves.

d. Valve 1E12-F099B would be added to the list of required containment

isolation valves to correct an inadvertent omission.

31. Page 3/4 7-8—delete footnote allowing crosstie of 250 volt batteries as it is inconsistent with other requirements in the Tech. Specs.

32. Page 3/4 7-12—revise fire pump parameters and fire suppression water system pressure.

33. Page 3/4 7-25—Table 3.7.7-1) revise the temperature range limits for various areas of Unit 1 to conform to the provisions of the Standard Technical Specifications for GE Boiling Water Reactors and to comply with requirements for certain equipment operability.

34. Pages 3/4 7-27 through 3/4 7-45—the entire technical specification for inspection, testing and monitoring of safety-related snubbers would be revised.

35. Page 3/4 7-46:

a. Delete calibration requirement for Main Turbine Bypass System and delete valve positioning requirement to conform to the Standard Tech. Spec. for GE Boiling Water Reactor.

b. Correct the definition of the conditions under which the Main Turbine Bypass System must be operable to conform to the standard Tech. Spec. for GE Boiling Water Reactor.

c. Delete startup test footnote since the startup tests have been completed.

36. Diesels:

a. Page 3/4 8-2—add explanation to diesel generator 2A inoperable action f. to prevent excessive testing of diesel generator 1A when system inoperable.

b. Page 3/4 8-4—delete surveillance item 6 which currently requires a verification of diesel generator loading in accord with design requirements.

c. Page 3/4 8-6—delete the requirement for diesel generator surveillance starts on stored air.

37. Page 3/4 8-8—change "and/or" to "or" to clarify that only 1 of the Division 1 or Division 2 diesel generators need be available during reactor shutdown.

38. Page 3/4 8-10—revise equipment needed for Unit 2 Division 1 AC electrical system.

39. Page 3/4 8-12—change "and/or" to "or" to clarify that only 1 of the Division 1 or Division 2 diesel generators need be available during reactor shutdown.

40. Pages 3/4 8-14, 3/4 8-15, 3/4 8-17—delete Unit 2 Division 1 DC sources and delete ability to crosstie as it is inconsistent with other requirements in the Tech. Specs.

41. Page 3/4 8-19—change "and/or" to "or" to clarify that Division 3 and only 1 of Division 1 or Division 2 DC sources need be available during reactor shutdown.

42. Page 3/4 8-21—add drywell hoists and cranes to drywell circuits to be deenergized and delete them from page 3/4 8-24.

43. Page 3/4 8-26—add "3.0.4 not applicable" to thermal overload bypass specification to indicate that reactor startup need not be restricted when administrative controls in accordance with the action statement are taken for an inoperable thermal overload bypass circuit.

44. Page 3/4 8-27—delete valve 1VQ041 from thermal overload table since the valve was inadvertently included in the table.

45. Page 3/4 8-31—revise requirements to functionally test the Reactor Protection System Electric Power Assemblies only during cold shutdowns greater than 24 hours.

46. Page 3/4 11-3—delete P-32 from the list of isotopes for which liquid waste sampling is required in Table 4.11.1-1.

47. Page 3/4 11-12—reverse sampling requirement when Dose Equivalent I-131 concentration in primary coolant and noble gas monitors activity meets certain limits.

48. Page 3/4 12-3—revise number of sample locations (Table 3.12.1-1) to reflect actual installed sample locations defined in the Offsite Dose Calculation Manual.

49. Page 5-1—correct drywell free volume in design features portion of the Tech. Spec.

50. Page 6-11—revise corporate management Figure 6.1-1 to reflect current approved management configuration.

51. Pages 6-13, 6-14—new shift manning Table for two units.

52. Pages 6-28, 6-29—add footnote to clarify that the Process Control Program and the Offsite Dose Calculation Manual are common to both Unit 1 and Unit 2.

53. Pages with minor changes of a nonsubstantive nature (e.g. adding comma, parenthesis wording change for clarification, etc.):

a. Page II, VIII, XV.

b. Pages 3/4 1-4, 3/4 1/11, 3/4 1-19.

c. Pages 3/4 3-1, 3/4 3-58, 3/4 3-82, 3/4 3-83, 3/4 3-84.

d. Pages 3/4 4-13, 3/4 4-14, 3/4 4-17, 3/4 4-23, 3/4 4-24.

e. Pages 3/4 5-8.

f. Pages 3/4 6-5, 3/4 6-11, 3/4 6-19, 3/4 6-20, 3/4 6-21, 3/4 6-33, 3/4 6-35, 3/4 6-36, 3/4 6-37, 3/4 6-38, 3/4 6-40, 3/4 6-41.

g. Pages 3/4 7-14, 3/4 7-17, 3/4 7-18, 3/4 7-22, 3/4 7-24.

h. Pages 3/4 8-1, 3/4 8-5, 3/4 8-7, 3/4 8-9, 3/4 8-16.

i. Pages 3/4 9-16, 3/4 9-17.

j. Page 3/4 11-9.

k. Pages 3/4 12-1, 3/4 12-4.

l. Pages 6-3, 6-20

At the La Salle site, reactor operation and control is accomplished in a dual type control room where controls and reactor operators for each unit are located. The plant design for both units is generally identical with some very minor differences as described in the Final Safety Analysis Report for La Salle. Consequently, consistency and uniformity between Unit 1 and Unit 2 Technical Specifications will minimize the potential for confusion and Technical Specification violation, and allow a consistent basis for operating, maintenance and surveillance procedures for both units.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for a no significant hazards consideration determination by providing certain examples (48 FR 14870). The example of actions involving no significant hazards consideration include:

(i) A purely administrative change to the Technical Specifications, corrections of errors or clarification; (ii) a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications; and (vi) a change which either may result in some increase in 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.

The changes proposed in the application for amendment are encompassed by these examples in the following ways:

(1) Changes requested by the licensee in the following pages are administrative in nature and are encompassed by the Commission's example (i) of actions not likely to involve significant hazards considerations:

(a) The following proposed changes in the Technical Specifications are for typing errors, correcting punctuations, updating the index (Table of Contents), minor changes to add clarity, updating to reflect two unit operation, updating to current corporate organizational chart which was found acceptable when the Unit 2 license was issued, deleting footnotes which apply to an already satisfactory complete startup test setpoint verification, and deletion and addition for inadvertent error: (items are enumerated as above) Items 1, 5, 8, 11,

15, 17, 20, 21, 25, 29, 30 c & d, 31, 35c, 37, 39, 40, 41, 44, 48, 49, 50, 52, and 53 a, b, c, d, e, f, g, h, i, j, k, l.

(b) The following proposed changes are conforming changes to incorporate into the Technical Specifications the substance of the previously authorized Amendment 11 to the license for single loop operation. To be consistent with the Unit 2 Technical Specifications, the licensee requested these requirements be incorporated in the Unit 1 Technical Specifications similarly as in Unit 2: Items 3 and 19.

(c) The following proposed change in the Technical Specifications clarifies that duplicate sampling to measure possible iodine spiking is not required. This measurement is performed by Tech. Spec. 4.4.5. Therefore there is no relaxation of requirement but only deletes duplication of Tech. Specs: Item 47.

(d) The following proposed change in the Technical Specification incorporates the option allowed by Generic Letter 84-13 dated May 3, 1984 to totally eliminate the table and snubber listing. As noted in Generic Letter 84-13, the change does not alter snubber surveillance requirements or operability requirements. It only allows removal of snubber listing in the Tech. Spec: Item 34.

(2) The following proposed changes in the Technical Specifications are requirements more conservative than the present Unit 1 requirements and are encompassed by the Commission's example (ii) of actions not likely to involve significant hazards considerations: Items 10, 12, 16, 22, 23, 24, 26, 28, 30b, 32, 33, 42 and 45.

(3) The following proposed changes in the Technical Specifications may result in some increase to the probability of consequences of a previously analyzed accident or may reduce in some way a safety margin, but the results of changes are within acceptable criteria so that these changes fall within the Commission's example (vi) of action not likely to involve significant hazards considerations: Items 2, 4, 6, 7, 9, 13, 14, 18, 27, 30a, 35 a & b, 36, 38, 46, 51.

Therefore, since the application for amendment involves proposed changes that are similar to examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room

location: Public Library of Illinois Valley Community College, Rural Route No. 1 Ogelsby, Illinois 61348.

Attorney for licensee: Isham, Lincoln and Burke, Suite 840, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

NCR Branch Chief: A. Schwencer.

Commonwealth Edison Company, Docket No. 50-374, La Salle County Station, Unit 2, La Salle County, Illinois

Date of amendment request: May 24, 1984.

Description of amendment request:

The proposed amendment to Operating License NPF-18 is to revise the La Salle Unit 2 Technical Specifications to reflect a reactor scram on low control rod drive pump discharge pressure modification as required for completion of construction by License Condition 2.C.(7). This modification was performed to address a concern when the reactor vessel is at less than operating pressure (less than 950 psig) that the control rod drive accumulators do not maintain adequate pressure to accomplish a scram function (startup and refueling modes). Since the modification required by License Condition 2.C.(7) has been completed, it is now necessary to amend the Technical Specifications to reflect the modification.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for a no significant hazards consideration determination by providing certain examples (48 FR 14870). One of the examples of actions likely to involve no significant hazards considerations include (v) "Upon satisfactory completion of construction in connection with an operating facility, a relief granted for an operating restriction that was imposed because the construction was not yet completed satisfactorily." The amendment request would incorporate a modification made upon construction completion to comply with License Condition 2.C.(7) which will assure that a scram will occur even if the reactor vessel is at less than the operating pressure.

Therefore since the application for amendment involves proposed changes that are related to a construction completion requirement and are similar to the example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room

location: Public Library of Illinois Valley Community College, Rural Route No. 1 Ogelsby, Illinois 61348.

Attorney for licensee: Isham, Lincoln and Burke, Suite 840, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Commonwealth Edison Company,
Docket No. 50-254, Quad Cities Nuclear
Power Station, Unit 1, Rock Island
County, Illinois

Date of amendment request: May 8,
1984.

Description of amendment request:
This amendment would change the
calibration and functional test
frequencies for certain specific
instruments that are being modified into
analog trip systems. These modifications
are being made to achieve full
compliance with the requirements of 10
CFR 50.49 (Environmental Qualification
of Electrical Equipment).

*Basis for proposed no significant
hazards consideration determination:*
The licensee has evaluated the proposed
Technical Specification change and has
determined that the change does not
represent a significant hazards
consideration. The licensee's proposed
determination is based on the following
considerations.

The Commission has provided
guidance concerning the application of
standards for making a no significant
hazards consideration determination by
providing certain examples (48 FR
14870). The examples of actions likely to
involve no significant hazards
considerations include: "(vi) 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; for example, a
change resulting from the application of
a small refinement of a previously used
calculational model or design method.

The licensee's proposed amendment
would change the calibration and
functional test frequencies for certain
specific instruments that are being
modified into analog trip systems. The
use of analog trip units, and the
acceptable intervals for their calibration
and testing, has been reviewed and
accepted by the NRC in their review and
acceptance of General Electric Topical
Report NEDO-21617-A, "Analog
Transmitter/Trip Units Systems for
Engineered Safeguard Sensor Trip
Inputs," dated December 1978. The
analog sensor transmitter channel
calibration interval is less stringent than
the current requirements on the existing
equipment, but the proposed calibration
interval falls within the interval
specified in the approved Topical Report
for this equipment, and is consistent
with the Standard Technical

Specifications as endorsed by Chapter
16, of the Standard Review Plan. Since
the requested amendment is
encompassed by the example (vi) of the
guidance, for which no significant
hazards consideration is likely to exist,
the licensee has made a proposed
determination that the proposed
amendment involves no significant
hazards consideration.

The staff has reviewed the licensee's
not significant hazards consideration
determination and, based on this
review, the staff has made a proposed
determination that the proposed
application for amendment involves no
significant hazards consideration.

Local Public Document Room
location: Moline Public Library, 504—
17th Street, Illinois 61265.

Attorney for licensee: Mr. Robert G.
Fitzgibbons, Jr., Isham, Lincoln, & Beale,
Three First National Plaza, Suite 5200,
Chicago, Illinois 60602.

NRC Branch Chief: Domenic B.
Vassallo.

Dairyland Power Cooperative, Docket
No. 50-409, La Crosse Boiling Water
Reactor, Vernon County, Wisconsin

Date of amendment request: January
19 and January 23, 1984, which modifies
a previous application dated June 8,
1983.

Description of amendment request: By
letters dated January 19 and 23, 1984, the
licensee made certain modifications to a
license amendment request previously
submitted on June 8, 1983, which was
noticed in the Federal Register on
August 23, 1983 (48 FR 38400). The
proposed changes affect the liquid
effluents, gaseous effluents, and the
administrative controls sections of the
proposed technical specifications.

Changes to the liquid effluents
sections would (1) modify the definitions
of dose equivalent I-131 to reference
dose conversion factors, (2) include
under the liquid effluent monitor limiting
condition for operations the alarm
setpoints and methods used to calculate
them, (3) require a liquid effluent
monitor source check prior to each
release of liquid effluents, (4) require
that liquid effluent concentration be
monitored at the Effluent Release
Boundary, (not the Unrestricted Area
Boundary) and (5) require that the
Offsite Dose Calculation Manual
Methods be used to calculate
concentrations.

Changes to the gaseous effluents
sections would (1) add condenser air
ejector monitor action statements and
surveillance requirements, (2) modify
the bases statement for the
instantaneous dose specification to
reflect the child inhalation pathway and

(3) add the requirement for plant
shutdown if instantaneous dose exceeds
established limits for more than 12
hours.

Changes to the Administrative
controls section would add the
requirement to maintain an Offsite Dose
Calculation Manual and a Process
Control Program and to submit an
Annual Radiological Environmental
Monitoring Report.

*Basis for proposed no significant
hazards consideration determination:*
The Commission has provided guidance
for making these determinations by
providing certain (April 6, 1983, 48 FR
14870). One of the examples (ii) of
actions involving no significant hazards
consideration relates to a change that
constitutes an additional limitation,
restriction, or control not presently
included in the technical specifications.
The license changes proposed here fall
within this example. The staff proposes
to determine that the applications do not
involve a significant hazards
consideration since all changes
constitute additional restrictions and
controls that are not currently included
in the Technical Specifications in order
to meet the Commission's requirements.

Local Public Document Room
location: La Crosse Public Library, 800
Main Street, La Crosse, Wisconsin
54601.

Attorney for licensee: O.S. Heistand,
Jr., Esquire, Morgan, Lewis & Bockius,
1800 M Street NW., Washington, D.C.
20036.

NRC Branch Chief: Dennis M.
Crutchfield.

Dairyland Power Cooperative, Docket
No. 50-409, La Crosse Boiling Water
Reactor, Vernon County, Wisconsin

Date of amendment request: March 20,
1984, as revised on April 24, 1984.

Description of amendment request:
The proposed technical specification
(TS) changes are of three general types:
(1) Changes to existing technical
specifications to make them consistent
with the new reporting requirements of
10 CFR Part 50, §§ 50.72 and 50.73,
which became effective on January 1,
1984; (2) a wording modification to
clarify "operability" of the Emergency
Service Water Supply System; (3) a
change in the required on-line functional
testing frequency of the reactor
protective system from monthly to
quarterly to reduce the number of
inadvertent trips due to testing.

*Basis for proposed no significant
hazards consideration determination:*
The Commission has provided guidance
for making these determinations by
providing certain examples (April 6,

1983, 48 FR 14870). One of the examples (ii) of actions involving no significant hazards consideration relates to a change made to make the license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. The license changes proposed in Item (1) above fall within this example. On this basis, the staff proposes to conclude that the requested action would involve a no significant hazards determination.

The proposed changed described in Item 2 above involves a change in wording to clarify a possible ambiguity regarding the "operability" of the Emergency Service Water Supply System. Example (i) of the Commission's guidance (April 6, 1983 48 FR 14870) states that a purely administrative change to technical specifications, for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature would likely be found to involve no significant hazards considerations. The proposed license changes described in Item 2 above fit this example. On this basis the staff proposes to conclude that the requested action would involve a no significant hazards consideration determination.

The proposed TS changes described in Item 3 above would reduce the frequency of online testing of the reactor protective system from monthly to quarterly. These changes were submitted in response to NRC Generic Letter 83-28, dated July 8, 1983. Section 4.5.3 of this letter requested licensees to review existing intervals for on-line functional testing to determine intervals that are consistent with achieving high reactor trip system availability when accounting for considerations such as:

1. Uncertainties in component failure rates,
2. Uncertainty in common mode failure rates,
3. Reduced redundancy during testing,
4. Operator errors during testing, and
5. Component "wear-out" caused by the testing.

The license stated that reducing the test frequency from monthly to quarterly would reduce the number of unnecessary scrams generated due to testing by a factor of three (a reduction of one scram every two years). Reduction of unnecessary scrams reduces thermal, mechanical, and hydraulic shock to plant components and is beneficial to plant safety. The licensee calculated that the reduced testing would cause an increase in the deviation rate from 2.5×10^{-3} deviations per set point checked to 7.2×10^{-3}

deviations per set point checked, but concluded that the change would have a negligible effect on the overall reliability of the Reactor Protective System. On this basis, the staff proposes to determine that the reduced testing frequency 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 analyzed; and would not involve a significant reduction in a margin of safety. Thus, the staff proposes to determine that the proposed changed described in Item 3 above would not involve a significant hazards consideration.

Local Public Document Room location: La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin - 54601.

Attorney for licensee: O.S. Heistand, Jr., Esquire, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: Dennis M. Crutchfield.

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: April 26, 1984.

Description of amendment request: The proposed change revises Figure 6.2-1 of the Technical Specifications (Appendix A of Operating License DPR-66) to reflect the new Offsite Organization. This new organization consolidates the nuclear portion of the company under a single management position. The changes are all administrative in nature and have no safety significance, do not physically affect plant safety related systems, and do not reduce any safety margin.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of these, Examples (i), involving no significant hazards consideration is "A purely administrative change to technical specifications." The requested amendment matches the example and the staff, therefore, proposes to characterize it as involving no significant hazards consideration.

Local Public Document Room location: B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and

Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power and Light Company, Docket No. 50-335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of applications for amendment: May 15, 1984.

Description of amendment request: The proposed amendment would make changes in the technical specifications of St. Lucie Plant, Unit No. 1 to be consistent with the technical specification of Unit No. 2. It would also update the on-site and off-site organization charts and Reportable Event definition changes to reflect the requirements of Generic Letter 83-43.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the *Federal Register* on April 6, 1983 (48 FR 14870). One of the examples of actions involving no significant hazards consideration (i) relates to amendments of a purely administrative change to technical specifications, correction of an error, or a change in nomenclature, or a change to achieve consistency throughout the technical specifications. The changes to the St. Lucie Plant, Unit No. 1 technical specifications proposed by this application for amendment are designed to update organizational changes and to make them consistent with the technical specifications of St. Lucie Plant, Unit No. 2, which are essentially standard technical specifications. Based on this the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esq., Newman and Holtzinger, P.C., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant, Units 3 and 4, Dade County, Florida

Date of amendments request: August 6, 1982 as modified on September 1, 1982, January 3, 1983, April 25, 1983, January 31, 1984 and April 23, 1984.

Brief description of amendments: The request for amendments was initially

noticed August 23, 1983 (48 FR 38403). This notice includes requested changes subsequent to the August 6, 1982 submittal. These proposed amendments involve changes to the Technical Specifications which will incorporate setpoints, surveillance requirements and limiting conditions of operation for the undervoltage protection systems for safety-related equipment.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve no significant hazards considerations by providing certain examples (48 FR 14870). One of these examples (ii) relates to a change that constitutes an additional limitation, restriction or control not presently included in the plant Technical Specifications: for example a more stringent surveillance requirement. These amendments fall directly within that example in that the additional restriction imposed by the amendments are for modifications and new equipment installed to meet the current NRC criteria and requirements pertaining to degraded grid voltage protection. Since the proposed changes add requirements to ensure compliance with the regulations in accordance with staff positions, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue NW., Suite 1224, Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant, Units 3 and 4, Dade County, Florida

Date of request for amendments: April 4, 1984, as supplemented May 25, 1984.

Description of amendments request: The proposed amendments would revise Section 5.2 of the Technical Specifications, to delete the present enrichment restriction of 3.5 weight per cent. The fuel storage specifications, Section 5.4, would be revised to allow storage of fuel with increased enrichment in the existing new fuel storage racks, spent fuel storage racks and increase the K_{eff} (neutron multiplication factor) for the existing new fuel storage racks. The proposed increase for the existing new fuel storage racks is 57.7 grams (4.5 weight

per cent) of U-235 and 52.4 grams (4.1 weight per cent) for the existing spent fuel storage racks. The K_{eff} is proposed to be increased from 0.95 to 0.98 for the existing new fuel storage racks.

These changes would allow storage of fuel with increased enrichment for use in future operating cycles. The proposed amendment includes a criticality analysis for storing the fuel with increased enrichment in the existing new fuel and spent fuel storage racks and increasing the K_{eff} in the existing new fuel racks. The use of fuel with increased enrichment in future reloads would be based on the supporting safety evaluation for the specific reload. A safety evaluation of each reload is required to assure that the operating limits in the Technical Specifications, including dynamic parameters, rod worths and peaking factors, will be complied with and result in safe operation of the reactor core.

Basis for proposed no significant hazards consideration determination: The standards used to arrive at a proposed determination that a request for amendments involve no significant hazards consideration are included in the Commission's regulations, 10 CFR 50.92, which state that the operation of the facilities in accordance with the proposed amendments 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 fuel enrichment is not a direct input to the reactor safety analysis. Fuel enrichment is used in conjunction with a number of parameters and consideration in determining safe operation of the reactor core. The fuel enrichment, number of fuel assemblies, exposure (burnup) of existing fuel, burnable poisons and fuel management schemes are used to derive measurable reactor core parameters important to safe operation. These dynamic parameters, rod worths and peaking factors are currently included in the plant's Technical Specifications. The specification of the fuel enrichment in the core design section alone does not uniquely determine nor limit the values of the reactor core parameters which are important for safe operation. The existing safety limits and limiting conditions of operation in the plant Technical Specifications will have to be addressed and evaluated for each specific future reload and will take into account the fuel enrichment but would not be changed by the proposed

amendment. Therefore, the deletion of the reload fuel enrichment from the reactor core design, Section 5.2 of the Technical Specification, does not result in a significant relaxation of the criteria used to establish safety limits. In turn, this portion of the amendment does not affect the probability or consequences of a previously analyzed accident or any safety margin. In addition, the possibility of a new accident not previously evaluated is not created by this portion of the amendment. Accordingly, the staff proposes to determine that this portion of the amendment request does not involve a significant hazards consideration since it does 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.

Fuel enrichment is in itself an important parameter in the assessment of the adequacy of the fuel storage pool and there should be a Technical Specification limit for fuel storage. A criticality analysis of the existing storage racks allowing storage of fuel with the increased enrichment is provided in the licensee's submittal. The following evaluation references the criticality analysis provided and demonstrates that the storage of fuel with the increased enrichment identified in the proposed amendment does not involve any of the three criteria for significant hazards considerations as follows:

The possibility of a significant increase in the probability or consequences of an accident previously evaluated.

In the course of the analysis, FPL has identified the following potential accident scenarios:

1. A fuel assembly drop in the spent fuel pool.
2. Loss of spent fuel pool cooling system flow.
3. A spent fuel cask drop.

The consequences of item 1, "A fuel assembly drop in the spent fuel pool," for the criticality acceptance criterion are not changed as explained in Section 3.0 of the criticality analysis. The radiological consequences of this type of accident in the spent fuel pool are bounded by the cask drop accident. Thus the consequences of this type accident will not be significantly increased from previously evaluated fuel assembly drops.

The consequences of item 2, "Loss of spent fuel cooling system flow," will

not be affected. As previously stated, the existing safety limits and limiting conditions of operations in the plant Technical Specifications will have to be addressed and evaluated for each specific future reload and will take into account fuel enrichment and burnup. The effect of the decay heat characteristics due to the burnup of fuel with the proposed increased enrichment is bounded by the existing loss of spent fuel pool cooling system flow evaluation. The proposed amendment to increase the fuel storage U-235 linear loading specification will not result in an increase in the probability or consequences of an accident previously evaluated for loss of spent fuel cooling system flow.

The consequences of item 3, "A spent fuel cask drop," as previously evaluated will not be affected by an increase in fuel assembly U-235 linear loading. As previously stated, the existing safety limits and limiting conditions of operations in the plant Technical Specifications will have to be addressed and evaluated for each specific future reload and will take into account fuel enrichment and burnup. The fission product inventory due to the burnup of fuel with the proposed enrichment is bounded by the existing evaluation of the spent fuel cask drop and the proposed amendment does not alter the configuration of the storage racks. Therefore, the proposed amendment to increase the fuel storage U-235 linear loading will not result in an increase in the probability or consequences of an accident previously evaluated for a spent fuel cask drop.

Thus, it is concluded that the proposed amendment to increase the fuel storage U-235 linear loading will not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) *The possibility of a new or different kind of accident from any accident previously evaluated.*

The proposed technical specification changes have been evaluated in accordance with the guidance of the NRC position paper entitled, "OT Position for Review and Acceptance of Spent Fuel Storage and Handling Applications," appropriate NRC Regulatory Guides, appropriate NRC Standard Review Plans, and appropriate Industry Codes and Standards as listed in Section 2.1 of the attached Safety Analysis Report. Neither the licensee nor the NRC Staff could identify any aspects of the proposed amendments which would create the possibility of a new or different kind of accident from any accident previously evaluated for the Turkey Point Fuel Storage Facilities.

(3) *Involve a significant reduction in a margin of safety.*

The NRC Staff Safety Evaluation review process has established that the issue of margin of safety, when applied to modification, will need to address the area of nuclear criticality considerations.

The established acceptance criteria for criticality is that the neutron multiplication factor, including all uncertainties, under all conditions:

(a) Shall be less than or equal to 0.98 for optimum moderation conditions in the new fuel storage facility; and

(b) Shall be less than or equal to 0.95 for fully flooded conditions in both the new fuel storage facility and the spent fuel pool.

This margin of safety has been adhered to in the criticality analysis methods for the existing spent fuel and new fuel storage, as discussed in Section 3.0 and 4.0 of the criticality analysis.

The methods to be used in the criticality analysis conform with applicable codes, standards, or pertinent sections thereof, as referenced in Section 2.1 of the criticality analysis.

In meeting the acceptance criteria for criticality in the Turkey Point Unit 3 and Unit 4 fuel storage facilities it has been established that:

(a) K_{eff} is always less than 0.98, including uncertainties at a 95/95 probability confidence level for optimum moderation conditions in the new fuel facility.

(b) K_{eff} is always less than 0.95, including all uncertainties at a 95/95 probability confidence level for fully flooded conditions in both the new fuel storage facility and in the spent fuel pool.

Increasing the limiting K_{eff} in the existing new fuel storage facility to 0.98 for optimum moderation conditions is consistent with the value established in USNRC Standard Review Plan, NUREG-0800, Section 9.1.1.

The proposed amendment to increase the fuel storage U-235 linear loading and to increase the limiting K_{eff} in the new fuel storage area will not involve a significant reduction in the margin of safety for nuclear criticality.

The Commission proposes that the operation of Turkey Point Plant, Units 3 and 4, in accordance with the proposed amendments do not involve a significant hazards consideration based on the licensee's submittal and the above discussion which demonstrate that the standards specified in 10 CFR 50.92 are met and the proposed amendments do not:

1. Involve a significant increase in the probability or consequence 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.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Suite 1224, Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50-321, Edwin I. Hatch Nuclear Plant, Unit No. 1, Appling County, Georgia

Date of amendment request: February 6, 1984, as supplemented April 16, 1984.

Description of amendment request: The amendment would modify the Technical Specification Limiting Conditions for Operation to relax the requirement that the High Pressure Core Injection (HPCI) and Reactor Core Isolation Cooling (RCIC) systems be operable when the reactor vessel pressure is greater than 113 psig and to require instead that they be operable when the reactor vessel pressure is greater than 150 psig. This change will make the Unit 1 Technical Specification consistent with the Unit 2 Technical Specification with respect to this requirement.

Associated changes would also be made in the description of the bases for this requirement to make it consistent with these changes.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensees, in determining that the change does not involve a significant hazards consideration, evaluated the change against the standards as follows:

"Reviews performed in accordance with NRC approved methodology show that these changes would have no effect on the FSAR analyses of peak fuel cladding temperature changes during analyzed accidents and transients. The probability of occurrence or the consequences of an accident or malfunction of safety-related equipment would not be increased above those analyzed in the FSAR because the Hatch Unit 1 FSAR accident/transient analyses and performance specifications for HPCI and RCIC do not take credit for operation of HPCI or RCIC below a reactor pressure of 150 psig. The possibility of an accident or malfunction different from those analyzed in the FSAR would not result from these changes since these systems would not be operated in a manner new or different from that described in the FSAR. The margin of safety as analyzed in Technical Specifications would not be reduced because the Plant Hatch Unit 1 Technical Specifications do not require surveillance testing of HPCI or RCIC below a reactor pressure of 150 psig."

On the basis of our review of the licensees' evaluation, as discussed above, the Commission's staff concludes that the proposed change is consistent with the three standards as discussed above.

Accordingly, the staff proposes to make a preliminary determination that these changes do not involve a significant hazards consideration.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: G. F. Trowbridge, Shaw, Pittman, Potts, and Trowbridge, 1800 M. Street, NW., Washington, D.C. 20036.

NRC Branch Chief: George W. Rivenbark, Acting.

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: March 28, 1984, as revised May 11, 1984.

Description of amendment request: This proposed amendment to the Technical Specifications (TSs) would revise the definition of OPERABLE or OPERABILITY to assure that the single failure criterion for safety systems is preserved. The proposed TSs would extend existing requirements to include multiple outages of redundant components and to include the effects of outages of support systems—such as electrical power or cooling water—that are relied upon to maintain operability of the particular system. Limiting Conditions for Operation and ACTION

statements that cover these extended requirements are included in the proposed TSs.

Basis for proposed no significant hazards consideration determination: The proposed amendment is in the same category as item (ii), 48 FR 14870, of the list of actions that are not likely to involve significant hazards considerations, i.e., is a change that constitutes an additional limitation, restriction or control not presently included in the TSs. This change would impose additional limiting conditions for operation based on operability requirements that are not currently specified in the TSs. Thus, the Commission's staff proposes to determine that the amendment request does not involve a significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Attorney for licensee: G. F. Trowbridge, Shaw, Pittman, Potts, and Trowbridge, 1800 M. Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: April 12, 1984.

Description of amendment request: The proposed amendment requests modification to the Technical Specifications to reflect changes in the reporting requirements as outlined in the Commission's regulations 10 CFR 50.72 and 10 CFR 50.73 and in accordance with the guidance provided in the Commission's generic letter 83-43. Of the following Technical Specification changes, items (3), (4), (5), (6) and (7) are in response to 10 CFR 50.72, 10 CFR 50.73, and Generic Letter 83-43, and items (1), (2), (8), (9), and (10) are administrative change requests.

1. Table of Contents updated to reflect changes of terminology.

2. Definition of Reportable Event added to Section 1.0.

3. Section 3.6.D, note regarding prompt notification requirement deleted. Prompt notification requirements are covered by 10 CFR 50.72.

4. Section 3.8.B.4 is deleted. This section referred to reporting auxiliary electrical equipment out of service. This reporting is adequately addressed by requirements of 10 CFR 50.72 and 10 CFR 50.73.

5. Sections 6.5.1.6.f and 6.5.2.7.g revised to incorporate new terminology.

6. Section 6.6.1 revised to be consistent with model Technical Specifications and Duane Arnold Energy Center (DAEC) organizational structure.

7. Section 6.10 revised to indicate that all "Licensee Event Reports" shall be retained.

8. Section 6.11.1.c is revised to delete a reference to an inappropriate NRC office and to simplify the section.

9. The heading and introductory paragraph for section 6.11.3 is added. This paragraph was inadvertently deleted by a previous amendment.

10. Section 6.11.3.e is deleted to remove the reference to deleted section 3.8.B. 4.

Additionally, several blank pages have been deleted and the information moved to allow for this deletion.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. One of the examples relates to: "(i) a purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature. Another example (vii) relates to a change to make a license conform to changes in the regulations, when the license change results in very minor changes to facility operations clearly in keeping with the regulations."

Technical Specification changes requested in items (1), (2), (8), (9), (10) and deletion of several blank pages from the Technical Specifications constitute changes which achieve consistency throughout the Technical Specifications, or correction of an error in the Technical Specifications. These changes are similar to the Commission's example (i) and do not involve a significant hazards consideration.

The remaining Technical Specification changes requested in items (3), (4), (5), (6), and (7) are in response to the Commission's regulation 10 CFR 50.73 and revision to the existing regulation 10 CFR 50.72 related to notification requirements for operating nuclear power reactors. Since the requested changes in the Technical Specifications conform to changes in the regulations, where the change results in minor changes to facility operations clearly in keeping with the regulations, the requested changes are encompassed by the Commission's example (vii) and are not expected to involve a significant hazards consideration.

Since the application for amendment involves proposed changes that are similar to examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Documents Room
location: Cedar Rapids Public Library,
426 Third Avenue, S.E., Cedar Rapids,
Iowa 52401.

Attorney for licensee: Jack Newman,
Esquire, Harold F. Reis, Esquire,
Newman and Holtzinger, 1025
Connecticut Avenue, N.W., Washington,
D.C. 20036.

NRC Branch Chief: Domenic B.
Vassallo.

Maine Yankee Atomic Power Company,
Docket No. 50-309, Maine Yankee
Atomic Power Station, Wiscasset, Maine

Date of amendment request: April 3,
1981 as supplemented April 10, 1984.

Description of amendment request:
The amendment would revise the testing requirements for hydraulic shock suppressors (snubbers) and add requirements for mechanical snubber operability and testing. The proposed changes were made in response to an NRC request to upgrade the testing requirements for all safety-related snubbers to ensure a higher degree of operability. The changes involve: clarifying the frequency for visual inspections, stating the requirements for functional testing of snubbers which visually appear inoperable, the inclusion of a formula for the selection of representative sample sizes, the clarifying of the testing acceptance criteria, and revising the method of snubber listing to incorporate more information.

Basis for proposed no significant hazards consideration determination:
The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving significant hazards considerations include changes that constitute additional limitations or restrictions in the Technical Specifications. The proposed changes revise sections of the Technical Specifications related to the hydraulic snubbers to clarify requirements and include additional testing and incorporate both operability and testing requirements for mechanical snubbers. Since the requested changes upgrade the requirements for hydraulic snubbers and add requirements for mechanical snubbers, the staff proposes to determine that the application does not

involve a significant hazards consideration.

Local Public Document Room
location: Wiscasset Public Library, High
Street, Wiscasset, Maine.

Attorney for licensee: J. A. Ritscher,
Esq., Ropes & Gray, 225 Franklin Street,
Boston, Massachusetts 02210.

NRC Branch Chief: James R. Miller.

Maine Yankee Atomic Power Company,
Docket No. 50-309, Maine Yankee
Atomic Power Station, Wiscasset, Maine

Date of amendment request: April 11,
1984.

Description of amendment request:
This proposed amendment supplements a change originally requested by the licensee on March 1, 1976 and notice in the FR on July 20, 1983 (48 FR 33082). The supplemental request deletes the exception requested to Type C testing of certain containment isolation valves which would have permitted use of water in lieu of air in certain tests and provides air lock lead rate test pressure and acceptance criteria. Changes were also made to the parameters used for the integrated leak rate test.

Basis for proposed no significant hazards consideration determination:
Appendix J was developed by the Commission to provide a uniform basis for containment leak testing. It provides a more restrictive set of testing conditions that are found currently in this license. Hence, the change represents an additional restriction, limitation, or condition being incorporated into the Technical Specifications. This matches example (ii) of 48 FR 14870 of the examples of amendments not likely to involve significant hazards considerations. In addition, the proposed change will make the license conform to changes in the regulations. This matches example (vii) of 48 FR 14870 of the examples of amendments not likely to involve significant hazards considerations. Thus, the Commission proposes to determine for this amendment that it involves no significant hazards consideration.

Local Public Document Room
location: Wiscasset Public Library, High
Street, Wiscasset, Maine.

Attorney for licensee: J. A. Ritscher,
Esq., Ropes & Gray, 225 Franklin Street,
Boston, Massachusetts 02210.

NRC Branch Chief: James R. Miller.

Maine Yankee Atomic Power Company,
Docket No. 50-309, Maine Yankee
Atomic Power Station, Wiscasset, Maine

Date of amendment request: April 13,
1984.

Description of amendment request:
This proposed amendment would

change the Maine Yankee Technical Specifications (TS) to reflect certain aspects of NUREG-0737. Specifically, the TS would be modified to define operability and surveillance for new noble gas effluent monitors, high range radiation monitors and water level monitors in the containment. A surveillance requirement for area and process monitors would also be clarified.

Basis for proposed no significant hazards consideration determination:
This proposed amendment falls into two categories for which the Commission (48 FR 14870) has provided examples of amendments not likely to involve significant hazards considerations. The new operability and surveillance requirements constitute additional limitations, not currently in the TS (Example (ii)). The clarification of requirements for area and process monitors is a purely administrative change (Example (i)). Hence, the Commission intends to propose that the proposed amendment involves no significant hazards considerations.

Local Public Document Room
location: Wiscasset Public Library, High
Street, Wiscasset, Maine.

Attorney for licensee: J. A. Ritscher,
Esq., Ropes & Gray, 225 Franklin Street,
Boston, Massachusetts 02210.

NRC Branch Chief: James R. Miller.

Maine Yankee Atomic Power Company,
Docket No. 50-309, Maine Yankee
Atomic Power Station, Wiscasset, Maine

Date of amendment request: April 25,
1984.

Description of amendment request:
This proposed amendment would reflect plant modifications to improve low temperature over protection (LTOP). LTOP is required to compensate for the gradual loss of reactor vessel ductility due to neutron irradiation. The LTOP Technical Specifications assure that the reactor vessel pressure is limited when the vessel temperature is below certain precalculated limits. This amendment would provide for a variable set point system for the power operated relief valves and the use of a flow restrictor in the High Pressure Safety Injection System in the LTOP System. Use of the variable setpoint and the flow restrictor provide increased assurance that the LTOP criteria are met while meeting practical operational considerations.

Basis for proposed no significant hazards consideration determination:
This proposed change does not involve a significant change in criteria used to establish safety limits, limiting safety system settings, or limiting conditions for operation. Heatup and cooldown

limit curves remain unchanged. Reactor vessel material properties remain tested in accordance with Appendix G of 10 CFR Part 50. Operational limitations are retained on the reactor coolant pumps, power operated relief valves, and high pressure safety injection pumps to assure system operation meets the LTOP criteria. It also does not involve a significant unreviewed safety question. Hence, the Commission proposes a determination of no significant hazards consideration, based on a comparison with the examples given in 48 FR 14870.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Attorney for licensee: J. A. Ritscher, Esq., Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02210.

NRC Branch Chief: James R. Miller.

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: May 7, 1984.

Description of amendment request: The proposed amendment would modify the Technical Specifications pertaining to the following items: (1) Delete the requirement to establish and maintain a drywell-to-wetwell differential pressure during reactor operation and change the maximum specification chamber water volume; and (2) delete the requirement that the containment be continuously monitored to detect gross leakage.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). An example involving no significant hazards consideration is (vi) "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 change are clearly within all acceptable criteria with respect to the system or component specified in Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method." Item 1 of the proposed Technical Specification change would delete the requirement to establish and maintain a drywell-to-wetwell differential pressure during reactor operation and increase the maximum suppression chamber water volume from 91,000 cubic feet to 91,100 cubic feet.

The licensee has completed modifications under NRC orders to restore the originally intended safety margin to the Cooper Nuclear Station Mark I containment which includes the suppression chamber. A plant unique analysis report (PUAR) was submitted by the licensee on April 29, 1982 which provided the results of the analyses associated with these modifications.

The PUAR analyses were performed assuming no drywell-to-wetwell differential pressure and a maximum suppression chamber water volume of 91,100 cubic feet. Although this mode of operation results in higher containment hydrodynamic loads under LOCA conditions the PUAR confirmed that the containment components have sufficient design margins so the resulting structural stresses remain below design allowables.

The staff and its consultants reviewed the licensee's PUAR submittal for compliance with the acceptance criteria contained in NUREG-0661 "Safety Evaluation report—Mark I Containment Long Term Program." The staff issued a Safety Evaluation (SE) on January 20, 1984 which concluded the licensee's PUAR verified that the containment modifications made were acceptable. No conditions were contained in the SE that would prevent the licensee from requesting the proposed Technical Specification changes.

Since the changes to the Technical Specifications proposed by the licensee result in a reduction in a safety margin but the results of the change are clearly within all acceptable criteria it is similar to example (vi) of the guidance provided by the Commission as not likely to involve a significant hazards consideration.

Item 2 of the proposed Technical Specification change would delete the requirement that the containment be continuously monitored to detect gross leakage when inerted. The proposed change conforms to NUREG-0123, Revision 3, Standard Technical Specification 4.6 which does not require continuous monitoring for gross leakage of the primary containment while it is inerted. Containment intergrated and local leak rate testing in accordance with Appendix J of 10 CFR Part 50 is currently addressed in the Technical Specifications.

Since the change proposed by the licensee results in a reduction in safety margin but the results of the change are clearly within all acceptable criteria it is similar to example (vi) of the guidance provided by the Commission as not likely to involve a significant hazards consideration.

Since the changes to the Technical Specifications requested in these two items are similar to the examples in the guidance provided by the Commission of actions not likely to involve significant hazards considerations the staff proposes to determine that this amendment request does not involve a significant hazards consideration.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Attorney for licensee: Mr. G. D. Watson, Nebraska Public Power District, Post Office Box 449, Columbus, Nebraska 68601.

NRC Branch Chief: Domenic B. Vassallo.

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: March 21, 1984.

Description of amendment request: The proposed amendment changes the section of the Technical Specifications regarding incorporation of the solenoid actuated pressure relief valve setpoints into the surveillance requirements. The relief valve setpoints are currently in the basis section of the Technical Specifications. The setpoints were added into the surveillance requirement section of the Technical Specifications. The remaining changes were made to achieve consistency and clarity in the two separate specifications regarding overpressurization and Automatic Depressurization System function. This included adding the acoustic monitors as the primary means of determining if a valve had opened and removing the word "low" as it referenced reactor pressure for the valve surveillance tests. The word "low" was removed because the valves are normally tested when the reactor is at atmosphere pressure to fulfill one surveillance requirement and at operating pressure to fulfill another requirement.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning determination of significant hazards by providing certain examples (48 FR 14870) of amendments considered not likely to involve significant hazards consideration. Two of the examples, relate to changes which are (i) a purely administrative change, for example to achieve consistency, correct a typographical error or a change in nomenclature and (ii) an additional limitation, restriction, or control not presently included in the Technical Specifications. The first proposed

change, including the relief valve setpoints into the surveillance section of the Technical Specifications from the bases, constitutes a more stringent control. Therefore, this change is similar to example (ii) described above. The remaining proposed changes are editorial, in nature, because they either clarify language or rearrange items in the Technical Specifications for clarity rather than affecting the specifications in a technical manner. Therefore, since those changes are administrative, they are similar to example (i).

Therefore, since the application for amendment involves changes similar to examples for which a no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room

location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

NRC Branch Chief: Domenic B. Vassallo.

Niagara Mohawk Power Corporation,
Docket No. 50-220, Nine Mile Point
Nuclear Station, Unit No. 1, Oswego
County, New York

Date of amendment request: April 13, 1984.

Description of amendment request:
The proposed amendment would change the section of the Technical Specification pertaining to instrumentation that initiates the diesel generators. Niagara Mohawk proposes to modify the existing logic for automatic initiation of the diesel generators during the 1984 refueling outage. The new logic will monitor phase-to-neutral voltage on all three voltage phases. A two-out-of-three logic will be used. There are two sets of relays for loss-of-voltage detection and two sets of relays for detecting a degraded grid condition. One set for loss-of-voltage and one set for a degraded grid is on each bus (Powerboards 102 and 103). The proposed Technical Specification takes into account the new logic.

Basis for proposed no significant hazards consideration determination:
The licensee has presented its determination of significant hazards considerations as follows:

The Commission has provided guidance concerning the determination of significant hazards by providing certain examples (48 FR 14870) of amendments considered not likely to

involve significant hazards consideration. One of the examples (ii), relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement. The proposed Technical Specification amendment imposes more stringent controls on the diesel generator initiation logic. This is accomplished by increased surveillance and operational requirements. This proposed determination is similar to example (ii) in that the changes constitute an additional control not presently included in the Technical Specifications.

The staff has reviewed the licensee's significant hazards considerations determinations and based upon this review, the staff has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room

location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

NRC Branch Chief: Domenic B. Vassallo.

Northeast Nuclear Energy Company, et al.,
Docket No. 50-336, Millstone
Nuclear Power Station, Unit No. 2, New
London County, Connecticut

Date of amendment request: January 18, 1984.

Description of amendment request:
The amendment would revise the testing requirements for hydraulic shock suppressors (snubbers) and add requirements for mechanical snubber operability and testing. The proposed changes were made in response to an NRC request to upgrade the testing requirements for all safety-related snubbers to ensure a higher degree of operability. The changes involve: clarifying the frequency for visual inspections; stating the requirements for functional testing of snubbers which visually appear inoperable; the inclusion of a formula for the selection of representative sample sizes; the clarifying of the testing acceptance criteria; and revising the method of snubber listing to incorporate more information.

Basis for proposed no significant hazards consideration determination:
The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant

hazards considerations include changes that constitute additional limitations or restrictions in the Technical Specifications. The proposed changes revise sections of the Technical Specifications related to hydraulic snubbers to clarify requirements and include additional testing, and incorporate both operability and testing requirements for mechanical snubbers. Since the requested changes upgrade the requirements for hydraulic snubbers and add requirements for mechanical snubbers, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room

location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

Attorney for licensee: Gerald Garfield, Esq., Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

NRC Branch Chief: James R. Miller.

Northern States Power Company,
Docket No. 50-263, Monticello Nuclear
Generating Plant, Wright County,
Minnesota

Date of application for amendment:
September 24, 1982 and February 15, 1983.

Description of amendment request:
The proposed amendment would modify the Technical Specifications as follows:

1. In the September 24, 1982 application, the proposed changes (a) would revise the surveillance requirements for snubbers to read "at least once per operating cycle" rather than "at least once per 18 months $\pm 25\%$," and (b) would add additional snubbers to the list of safety-related hydraulic snubbers. Proposed change (a) would allow testing once per cycle and at testing intervals at less than the value of (18 months $\pm 25\%$). Change (b) adds snubbers to the surveillance program that were installed as part of the Mark I containment modifications program.

2. In the September 24, 1982 application, the proposed changes would revise the Table listing those valves needed for isolating primary containment. The proposed changes must revise the Table by (a) showing the correct normal position (open) of the recirculation loop sample valves, and (b) clarifying the specified normal position of the drywell and torus vent valves (certain valves are open to permit operation of the drywell-to-torus d/p system).

3. Lastly, in the September 24, 1982 application, the proposed changes would revise the limiting conditions for

operation to permit vacuum breaker cycling (i.e., opening, holding open for up to one minute, and closing) one vacuum breaker at a time during containment inerting and deinerting. The proposed change will allow cycling of the drywell-wetwell vacuum breakers during inerting and deinerting operations to aid in changing the gas mixture in the drywell-torus vent pipes and vent header. This represents a substantial fraction of the total containment free volume. Without vacuum breaker cycling, oxygen remains in this volume following inerting operations and additional purging is required following return to service. Following shutdown, vacuum breaker cycling can help clear this area of nitrogen and eliminate potential pockets of inert gas.

4. In the February 15, 1983 application, the proposed changes would add eight snubbers to the Table listing safety-related hydraulic snubbers and delete two of them. The licensee has proposed these changes because installation of the combustible gas control system modifications to the safety/relief valve discharge lines, and modifications to the torus-attached piping necessitates the addition of the eight snubbers to the Table. Two snubbers are being deleted from the Table because they have been replaced by restraints:

5. In the February 15, 1983 application, the proposed changes would correct a typographical error associated with the control rod withdrawal bases. The changes would correct the error from "10%" to "10°."

6. And finally, in the February 15, 1983 application, the proposed changes would change "screen wash pump" to "screen wash fire pump" to indicate its use as a fire pump.

Other changes requested in September 24, 1982 and February 15, 1983 submittals have been noticed separately.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of 10 CFR 50.92 by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). These examples include:

"(i) A purely administrative change to the Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature;"

"(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a

more stringent surveillance requirement;" and

"(vi) 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 * * *

Change No. 1 above would clarify and allow testing to be performed once per cycle and would also add snubbers which were installed as part of the Mark I containment modifications program to the list of safety-related hydraulic snubbers. This change would modify the frequency of snubber testing slightly and therefore could cause a small increase to the probability of a previously analyzed accident. However, the results of the change are clearly within all acceptable criteria with respect to the system or components with respect to Section 5.2.1.1, "Compliance with the Codes and Standards Rule, 10 CFR 50.55a" which is the applicable section of the Standard Review Plan. Therefore, the Commission proposes to determine that this change does not involve a significant hazards consideration since it is encompassed by example (vi) above.

Change No. 2 would revise the Table on Primary Containment Isolation (a) to show the correct normal position (open) of the recirculation loop sample valves and (b) to clarify the specified normal position of the drywell and torus vent valves. Present Technical Specifications permit certain of these valves to be open to maintain drywell-torus differential pressure. These valves will be normally closed following completion of the Mark I containment long-term modifications program as required by the revision. The revision constitutes an additional restriction and thus is encompassed by example (ii) above.

Change No. 3 would allow cycling of the drywell-wetwell vacuum breakers during inerting and deinerting operations to aid in changing the gas mixture in drywell-torus vent pipes and vent header. Cycling of drywell-torus breakers would be accomplished one at a time with an operator present at the test push-button. This operation is not much different than the monthly valve exercise test. If a vacuum breaker would stick open, the plant would be placed in cold shutdown as required by the existing Technical Specifications. Inerting and deinerting operations rarely occur more than one to three times per year. The ability to purge the vent header and vent pipes in a more

thorough manner may be significantly improved if vacuum breakers are cycled. The proposed change may result in some increase to the probability of a previously-analyzed accident but the results of the change are still within all acceptable criteria with respect to the system or components with respect to Section 6.2.1.1.C, "Pressure Suppression Type BWR Containments," which is the applicable section of the Standard Review Plan. Therefore, the Commission proposes to determine that this change does not involve a significant hazards consideration since it is encompassed by example (vi) above.

Change No. 4 would add eight surveillance requirements for snubbers to the Table listing safety-related hydraulic snubbers and delete snubbers which will be removed because they are no longer required due to piping modifications. The proposed change deleting snubbers which are no longer required is purely administrative in nature and similar to example (i) for which no significant hazards consideration exists. The addition of snubbers to the Table constitutes an additional requirement and matches example (ii).

Change No. 5 would correct a typographical error associated with the control rod withdrawal bases. There is no change in design and the modification to the Technical Specifications does not change or allow any plant condition or operation which is not permitted under the current Technical Specifications. The change is encompassed by example (i) of the guidance provided by the Commission.

Change No. 6 would change "screen wash pump" to "screen wash fire pump" to indicate its use as a fire pump. This is purely an administrative change and is encompassed by example (i) of the guidance provided by the Commission.

Therefore, since all of the changes are encompassed by examples of changes which the Commission has determined are not likely to pose a significant hazards consideration, the staff proposes to determine that the amendment does not involve a significant hazards consideration.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Northern States Power Company,
Docket Nos. 50-282 and 50-306, **Prairie**
Island Nuclear Generating Plant, Unit
Nos. 1 and 2, Goodhue County,
Minnesota

Date of application for amendment:
April 10, 1984.

Description of amendment request:
The proposed amendment would change the Technical Specifications (TS) in the following areas:

1. An additional restriction would be included in the TS to reflect the installed post accident sampling system in response to NRC requirements imposed by NUREG Items II.B.3 and II.F.1.2 (TS 6.5-B4).

2. An additional restriction would be included in the TS to reflect the installed toxic gas detection system for detecting low concentrations of ammonia, formaldehyde and hydrochloric acid to protect the habitability of the Control Room. This addition to the TS is in response to the NRC requirement of NUREG-0737 Item III.D.3.4 (TS 3.13-F and Table TS 4.1-1).

3. Amendment Nos. 59 and 53 issued by letter dated October 21, 1982 contained an error regarding the maximum Low Level of Detection (LLD) requirements for the radioanalysis of Cesium 134 and 137 in food products. This change would lower the LLD requirements from 80 pCi/Kg wet to 60 pCi/Kg wet for Cs 134 and Cs 137 which is more restrictive and is consistent with the existing radioanalysis procedure used by the licensee.

4. An administrative error is proposed to be corrected in the TS related to Amendment Nos. 59 and 53 issued by our letter dated October 21, 1982. This administrative error deals with the fact that Figures TS 4.10-1 and TS 4.10-2 were intended to be deleted as part of Amendment Nos. 59 and 53 but were inadvertently omitted from the amendment. Figures TS 4.10-1 and TS 4.10-2 show the location of the radiation environmental monitors in the surrounding area of the plant site. The locations of these radiation environmental monitors are identified in Table 4.10-1 and therefore Figures TS 4.10-1 and TS 4.10-2 are no longer needed and serve no purpose in the TS.

5. The title of the head of the Nuclear Engineering Department appearing in Figure TS 6.1-2 would be changed so the title appearing in the figure would reflect the existing plant organization. This change appears to be administrative in nature and has no effect on the management function, the authority, or the responsibility of this position.

6. An administrative change would clarify and eliminate potential confusion when an action must be taken by the operator in the event a number of operable instrumentation channels related to the containment ventilation isolation system is less than that required by the TS. The proposed change involves the clarification of the purge valve position during fuel handling while the plant is shutdown and has no effect when the plant is above cold shutdown.

7. The licensee also requested numerous changes that correct misspelling of words and typographical errors based on the licensee's review of the TS and have absolutely no effect on the TS requirements nor do these corrections change the intent of the TS. These corrections have been reviewed by the staff and found acceptable.

Basis for proposed no significant hazards consideration determination:
The Commission has given examples (48 FR 14870) of types of amendments not likely to involve a significant hazards consideration. One example of this type (ii) is a change that constitutes an additional limitation, restriction or control not presently included in the technical specifications. The proposed changes (items 1, 2 and 3 above) fall into this category in that they expand the scope of limited conditions for plant operation and expand the maintenance surveillance of plant equipment that was added due to NRC imposing additional requirements. Another example of this type (i) is a change that is purely an administrative change to technical specifications.

The proposed changes (items 4 through 7 above) fall into this category in that all of these changes either eliminate areas of confusion or errors or clarifies information appearing in the TS. Therefore, the Commission proposes to determine that the proposed amendments do not involve a significant hazards consideration.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Pennsylvania Power & Light Company,
Docket No. 50-388, **Susquehanna Steam**
Electric Station, Unit 2, Luzerne County,
Pennsylvania

Date of amendment request: April 10, 1984.

Description of amendment request:
The proposed amendment would change

Technical Specification 4.7.1.3 to modify the requirements for determining the spray pond operable. The modification would change the average water temperature of the spray pond to "less than or equal to 88°F" from the current requirement of "less than or equal to 81°F."

Basis for proposed no significant hazards consideration determination:

The licensee in his letter of April 10, 1984, stated that the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The major changes to the licensee's analysis involve input changes to the model described in the Final Safety Analysis Report (FSAR) with the model itself remaining unchanged. The input changes represent more representative meteorological data and a revised basis for decay heat output. Both of these inputs meet established regulatory requirements. The licensee stated that the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because the current model in the FSAR has not changed and no hardware modifications are involved in this change. Therefore, the scenarios bounded by the previous evaluation are still appropriate. The licensee also stated that the proposed change does not involve a significant reduction in a margin of safety because the revised inputs provide analysis results using the most realistic available information. The staff agrees with the licensee's evaluation in this regard, and accordingly, the NRC staff proposes to find that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M. Street N.W., Washington, D.C. 20036.

NRC Branch Chief: B. J. Youngblood.

Pennsylvania Power & Light Company,
Docket No. 50-387, **Susquehanna Steam**
Electric Station, Unit 1, Luzerne County,
Pennsylvania

Date of amendment request: April 10, 1984.

Description of amendment request:
The proposed amendment would change Technical Specification 4.7.1.3 to modify the requirements for determining the spray pond operable. The modification would change the average water

temperature of the spray pond to "less than or equal to 88°F" from the current requirement of "less than or equal to 81°F." The proposed amendment would also change Technical Specification 3.7.1.3 by modifying a portion of action statement a. to read " * * * greater than or equal to 663' Mean Sea Level (MSL), prepare and submit * * *" from the current statement of " * * * greater than or equal to 663' MSL, in lieu of any other report required by Specification 6.9.1, prepare and submit * * * "

Basis for proposed no significant hazards consideration determination: The licensee in their letter of April 10, 1984, stated that the proposed change to Technical Specification 4.7.1.3 does not involve a significant increase in the probability or consequences of an accident previously evaluated. The major changes to the licensee's analysis involve input changes to the model described in the Final Safety Analysis Report (FSAR) with the model itself remaining unchanged. The input changes represent more representative meteorological data and a revised basis for decay heat output. Both of these inputs meet established regulatory requirements. The licensee stated that the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because the current model in the FSAR has not changed and no hardware modifications are involved in this change. Therefore, the scenarios bounded by the previous evaluation are still appropriate. The licensee also stated that the proposed change does not involve a significant reduction in a margin of safety because the revised inputs provide analysis results using the most realistic available information. The staff agrees with the licensee's evaluation in this regard, and accordingly, the NRC staff propose to find that the amendment request to Technical Specification 4.7.1.3 involves no significant hazards consideration. The proposed change to Technical Specification 3.7.1.3 is in response to new reporting requirements of 10 CFR Part 50, Sections 50.72 and 50.73. Section 50.72 revises the immediate notification requirements for operating nuclear power reactors. The new Section 50.73 provides for a revised Licensee Event Report systems. In addition, Section 50.73 paragraph (g) specifically states that "the requirements contained in this section replace all existing requirements for licensees to report 'Reportable Occurrences' as defined in individual plant Technical Specifications." The Commission has provided guidance concerning the application of its

standards set forth in 10 CFR 50.92 for no significant hazards considerations by providing certain examples published in the *Federal Register* on April 6, 1983 (48 FR 14864). One of the examples of an amendment which will likely be found to involve no significant hazards consideration is a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. The proposed change to Technical Specification 3.7.1.3 falls within the Commission's example (vii) of a change not likely to involve a significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street N.W., Washington, D.C. 20036.

NCR Branch Chief: A. Schwencer.

Pennsylvania Power & Light Company,
No. 50-387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: May 4, 1984.

Description of amendment request: The purpose of the proposed amendment request is to change Technical Specifications 3.6.1.2 and 4.6.1.2 to account for bypass leakage through the feedwater system as a source of known bypass leakage. The changes revise leakage and testing requirements to include the bypass leakage through the feedwater system as a source of known bypass leakage. The change also provides a new Table 3.6.3-2 which more clearly defines the bypass pathways and leakage criteria. The proposed change also includes changes of an administrative nature by correcting a typographical error in ACTION statement e. of Technical Specification 3.6.1.2 and providing clarification to Technical Specification 4.6.1.2 i by identifying the specific technical specifications for which Specification 4.0.2 is not applicable instead of the " * * * 24 month or 40±10 month surveillance intervals."

Basis for proposed no significant hazards consideration determination: The licensee in their letter of May 4, 1984, states that the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated because the changes are enveloped by the existing Final Safety Analysis Report, Chapter 15 analysis of the radiological

consequences of a large break LOCA. The licensee stated that the proposed changes do not create the possibility of a new or different kind of accident than previously evaluated because the previous analysis did not distinguish bypass leakage by specific systems, but as a total bypass leakage rate. The maximum total bypass leakage rate allowable remains unchanged. The licensee also stated that the proposed changes do not involve a significant reduction in the margin of safety because the change is consistent with the assumptions in the governing safety analysis and the margin of safety set by that analysis is unaffected. The staff agrees with the licensee's evaluation in this regard, and accordingly, the NRC staff proposes to find that the changes concerning bypass leakage involve no significant hazards consideration.

The Commission has provided guidance concerning the application of the no significant hazards consideration standards by providing certain examples (48 FR 14870). One of the examples of actions not likely to involve a significant hazards considerations, example (i), relates to a purely administrative change to technical specifications to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. The NRC staff proposes to find the change to ACTION e. of Technical Specification 3.6.1.2 and the change to Technical Specification 4.6.1.2.i are purely administrative changes, and therefore, do not involve a significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street N.W., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Pennsylvania Power & Light Company,
Docket No. 50-388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of Amendment request: May 4, 1984.

Description of amendment request: The purpose of the proposed amendment request is to change Technical Specifications 3.6.1.2 and 4.6.1.2 to account for bypass leakage through the feedwater system as source of known bypass leakage. The proposed amendment is in response to the requirements of License Condition 2.a of Attachment 1 to Operating License No.

NPF-22. The changes revise leakage and testing requirements to include the bypass leakage through the feedwater system as a source of known bypass leakage. The change also provides a new Table 3.6.3-2 which more clearly defines the bypass pathways and leakage criteria.

Basis for proposed no significant hazards consideration determination: The licensee in his letter of May 4, 1984, stated that the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated because the changes are enveloped by the existing Final Safety Analysis Report, Chapter 15 analysis of the radiological consequences of a large break LOCA. The licensee stated that the proposed changes do not create the possibility of a new or different kind of accident than previously evaluated because the previous analysis did not distinguish bypass leakage by specific systems, but as a total bypass leakage rate. The maximum total bypass leakage rate allowable remains unchanged. The licensee also stated that the proposed changes do not involve a significant reduction in the margin of safety because the change is consistent with the assumptions in the governing safety analysis and the margin of safety set by that analysis is unaffected. The staff agrees with the licensee's evaluation in this regard, and accordingly, the NRC staff proposes to find the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: B. J. Youngblood.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of amendment request: August 6, 1981, as supplemented April 2, 1984.

Description of amendment request: The amendment application requests that the Technical Specifications (TSs) be revised to correct a typographical error, change an Appendix B (Environmental) administrative reporting requirement from "10 days" to "10 working days" to achieve consistency with Appendix A

administrative requirements and, finally, to permit an alternative method of verifying drywell to suppression chamber vacuum breaker closure not currently specified in the TSs. This last proposed change would permit the use of a verification test in the event that the vacuum breaker valve position lights do not confirm a vacuum breaker to be in the fully closed position.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether license amendments involve significant hazards considerations by providing certain examples which were published in the Federal Register on April 6, 1983 (48 FR 14870). One of the examples (i) of an action involving no significant hazards considerations is a purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or change in nomenclature.

The proposed amendment requests correcting a typographical error (i.e., a misspelled word) and changing an Appendix B environmental reporting requirement to achieve consistency with the companion Appendix A administrative reporting requirement match the above example. In addition, the Appendix B change would not affect any current safety limitations related to the operation of the facility, because no safety operational limits are being changed. Based upon the above, the staff proposes to determine that these two proposed changes do not involve a significant hazards consideration.

The requested change involving the use of a drywell to suppression chamber bypass area test to verify the fully closed condition of all vacuum breakers is a proposed alternative TS approach in the event the vacuum breaker indicator lights do not confirm a fully closed position. Occasionally, the licensees indicate that both open and close position lights will illuminate while the plant is at power indicating that the vacuum breaker may not be in the fully closed position. The licensees propose that in such an event that the TSs permit the use of a leak test to verify that all drywell to suppression chamber vacuum breakers are fully closed. The proposed change appears to provide a valid backup method of verifying the conditions imposed by the current TSs in Section 3.7.1.4.b and does not change the action statements specified in Section 3.7.A.4.d. Therefore, the proposed change appears not to:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated;

(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.

For this reason, the Commission proposes to determine that this amendment request does not involve a significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Attorney for licensee: Troy B. Conner, Jr., 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: George W. Rivenbark, Acting Chief.

Portland General Electric Company et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: April 24, 1984.

Description of amendment request: The amendment request was submitted in response to NRC Generic Letter 83-37 which was sent to all licensees of pressurized water reactors to incorporate technical specifications for equipment added or modified as a result of post-TMI safety improvements approved by the Commission in NUREG-0737. Specifically, the amendment request provides new technical specifications for the reactor vessel head vent and the containment pressure wide range monitor. The new technical specifications would require this new equipment to be operable and to be periodically tested.

The balance of the request involves revised technical specifications for the containment hydrogen analyzer and the control room chlorine detection system. The specification for the hydrogen analyzer would be changed to add an action statement for the case where both hydrogen analyzer are inoperable. The technical specification for the control room chlorine detection system would also add an action statement for the case of both detectors inoperable, and allow operation for 7 days with one detector inoperable before requiring the ventilation system to be placed in the recirculation mode for operation. The revision would allow reactor mode changes to occur with inoperable chlorine detectors. Both changes for the hydrogen and chlorine monitors are consistent with NRC's requested changes in Generic Letter 83-37.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a no significant hazards consideration determination by providing certain examples (48 FR 14870). One of the examples of an action not likely to involve a significant hazards consideration is "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example a more stringent surveillance requirement." The proposed technical specifications for the reactor vessel head vent and the containment pressure monitor represent additional controls not presently contained in the technical specifications. The proposed technical specification for the hydrogen analyzer (adding the action to be taken when both are inoperable) represents a minor change to existing requirements that is consistent with the NRC request.

Another of the examples of an action likely to involve a significant hazards consideration is "(vi) A change which 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: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method." The changes for the chlorine monitor are similar to this example since they appear to involve a minor reduction in a safety margin, and the changes are consistent with the changes requested by NRC in Generic Letter 83-37. These changes will be incorporated into the next regular revision of the NRC's Standard Technical Specifications, which is similar to the Standard Review Plan for technical specifications.

Based on the foregoing, the Commission proposes to determine that the application for amendment does not involve significant hazards considerations.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Attorney for licensee: J. W. Durham, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

NRC Branch Chief: James R. Miller.

Portland General Electric Company et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: April 26, 1984.

Description of amendment request: The amendment would make a minor change to the minimum required load for testing of the emergency diesel generators (EDGs) to correct an error. Specifically, the minimum required load for the 50% load test would be changed from 1682 kilowatts (kW) to 1690 kW; the 100% load test value would be changed from 3364 kW to 3380 kW.

The amendment would also delete one of the surveillance tests for the EDGs. Currently, the technical specifications require that at least once per 18 months, with the plant shutdown, it be verified that on a simulated loss of the EDG, with off-site power not available, the loads are shed from the emergency busses and that subsequent loading of the EDG is in accordance with design requirements.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for determining whether a requested amendment involves or does not involve a significant hazards consideration by providing examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples of an amendment not likely to involve a significant hazards consideration is a purely administrative change to the technical specifications: For example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. The revised load test values described above clearly match this example.

Another of the examples of an amendment not likely to involve a significant hazards consideration 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 proposed change to delete the surveillance test is very similar to this example because it may involve a minor relaxation in requirements but the proposed amendment was submitted in response to NRC Generic Letter 83-30. The NRC letter explained that this particular test was not consistent with the Standard Review Plan and that this test would be removed from the next revision of the Standard Technical Specifications.

Since both of the proposed changes are similar to examples of amendments which have been deemed not likely to involve a significant hazards consideration, the NRC staff proposed to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Attorney for licensee: J. W. Durham, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

NRC Branch Chief: James R. Miller.

Portland General Electric Company et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: April 26, 1984.

Description of amendment request: The amendment would revise the surveillance requirements for verifying reactor shutdown margin when (1) one or more control rods are immovable or untrippable and (2) when starting up the reactor.

With respect to (1) above, present technical specifications require that the required shutdown margin be increased by an amount at least equal to the withdrawn worth of the immovable or untrippable control rods. The proposed change would require that the necessary shutdown margin be verified acceptable with an increased allowance for the withdrawn worth of the immovable or untrippable control rods.

With respect to the second change, present technical specifications require that shutdown margin be verified at least once during control rod withdrawal and once per hour thereafter until the reactor is critical. This would be revised to require verifying shutdown margin within 4 hours prior to achieving reactor criticality by verifying that the predicted critical rod position will be within the rod bank insertion limit curve.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for determining whether a requested amendment involves or does not involve a significant hazards consideration by providing examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples of an amendment not likely to involve a significant hazards consideration 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 proposed amendment is very similar to this example because it may involve a minor relaxation in requirements but the proposed amendment is entirely consistent with NUREG-0452, Revision 4, "Standard Technical Specifications for Westinghouse Pressurized Water Reactors," which is equivalent to the Standard Review Plan for technical specifications. Based on the foregoing, the NRC staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Attorney for licensee: J. W. Durham, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

NRC Branch Chief: James R. Miller.

Portland General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: April 27, 1984.

Description of amendment request: The amendment would make miscellaneous changes to the technical specifications involving fire protection and administrative controls. Specifically, one smoke detector should be deleted from Table 3.3-10 since it was listed twice; the fire pump diesel starting battery surveillance would be changed to require monthly verification of charging current rather than monthly verification of cell specific gravity; operability requirements for the sprinkler systems for the service water booster pump and component cooling water pump areas would be added; the operability requirement for the cable spreading room sprinkler system would be clarified to indicate that either manual or automatic initiation meets the operability requirement (not currently specified); the functional test requirement would be reworded to require performing "system functional tests" rather than the present "perform system functional tests which includes simulated automatic actuation;" the audit requirement would be modified to clarify that audits do not encompass, in a single audit, all areas, and therefore the words "all" and "entire" would be deleted; finally, a special report on penetration fire barriers would be added to the listing of special reports.

Basis for proposed no significant hazards consideration determination:

The change to delete one smoke detector from Table 3.3-10 is administrative, since it is listed twice.

Monthly verification of the fire pump diesel starting battery by charging current reading vs. specific gravity is more appropriate for the new nickel cadmium batteries, according to the licensee, which states that monitoring cell specific gravity would not provide as meaningful information as to battery condition. In any event, this does not raise a significant safety question considering that this is but one of many tests the battery must pass periodically.

Operability requirements for the service water booster pump and component cooling water pump sprinkler areas are being added because these fire protection features were recently added. These are the same requirements as for other sprinkler systems.

The cable spreading room sprinkler system change clarifies that the system can function automatically or manually and meet its operability requirement, since Appendix R requires a "fixed fire suppression system" and does not require that it be automatically initiated.

The rewording regarding system functional tests (see above) is an editorial clarification and does not involve any change in testing requirements. The term "simulated automatic actuation" was causing some confusion.

The change to delete the words "all" and "entire" from audits is editorial because it was not intended that a single audit encompass all areas. It was intended to indicate that all areas should be subject to possible audit. Deleting these words would help restore the intent.

Finally, adding the special report to the list is administrative since the requirement already exists—it was merely missing from the list.

Based on the foregoing, for each of the changes, it appears that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident, or (3) involve a significant reduction in a margin of safety. Therefore, the NRC staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Attorney for licensee: J. W. Durham, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

NRC Branch Chief: James R. Miller.

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: April 27, 1984.

Description of amendment request: The current technical specifications require sealed sources (except those which are stored and not in use) to be tested for leakage and/or contamination at intervals not to exceed six months. Under the proposed amendment, sealed sources installed in fixed plant equipment would be tested upon receipt, prior to conducting maintenance on the associated equipment, at least once per refueling outage (about annually under present refueling schedules), and prior to transfer to another licensee.

Basis for proposed no significant hazards consideration determination: Sources to be subjected to annual testing instead of the current 6-month interval would be all be contained within fixed plant equipment. Since such sources would be tested prior to maintenance (opening the fixed plant equipment) as well as annually, it appears that the proposed amendment would continue to provide a high degree of assurance that such sources are either leak-free or will not spread contamination beyond the inside of the equipment should they not be leak-free.

Therefore it appears that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated or (2) create the possibility of a new or different kind of accident, or (3) involve a significant reduction in a margin of safety. Based on the foregoing, the NRC staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Attorney for licensee: J. W. Durham, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

NRC Branch Chief: James R. Miller.

Power Authority of The State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of amendment request: April 3, 1984.

Description of amendment request: By NRC Generic Letter 83-43 to all licensees model Technical

Specifications were forwarded which showed the revisions of reporting requirements as necessitated by § 50.72 and 50.73 of Title 10 of the Code of Federal Regulations. Section 50.72 revises the immediate notification requirements for operating nuclear power plants. Section 50.73 provides for a revised Licensee Event Report System.

By letter dated April 3, 1984 the Power Authority of the State of New York submitted a proposed license amendment for NRC review and approval which reflects changes to reporting requirements.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration is a change to make the license conform to changes in the regulations where the change results in very minor changes to facility operations clearly in keeping with the regulations. The NRC initial review of the licensee's submittal indicates that this is the case. Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Steven A. Varga.

Public Service Company of Colorado, Docket No. 50-267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: May 10, 1984.

Brief description of amendment: The proposed change to the Technical Specifications would modify the secondary coolant activity analysis requirements. The change would: (1) Eliminate the need for daily sampling if the activity increases by 25% over an equilibrium value, and (2) require daily sampling and analysis if the activity increases to 10 percent instead and weekly sampling at all other times during reactor operation.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions that are considered not likely to involve significant hazards

considerations include changes that constitute an additional limitation, restriction or control not presently included in the Technical Specifications; for example, a more stringent surveillance requirement.

Because the proposed changes will impose a more stringent sampling and analysis frequency, we propose to determine that this action involves no significant hazards considerations.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for licensee: Bryant O'Donnell, Public Service Company of Colorado, P.O. Box 840, Denver, Colorado 80201.

NRC Branch Chief: Eric H. Johnson.

Public Service Company of Colorado, Docket No. 50-267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: May 10, 1984.

Brief description of amendment: The proposed change to the Technical Specifications would increase the primary helium circulator overspeed trip setting from 115 percent to 123 percent of rated speed.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions that are considered not likely to involve significant hazards considerations include changes 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: For example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

Since the proposed change will allow the circulators to operate at a higher speed prior to an automatic trip, there may be a small reduction in the safety margin for circulator protection. However, the analysis indicates that significant safety margin continues to exist; therefore, the staff proposes to determine that this action does not involve a significant hazards consideration.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for licensee: Bryant O'Donnell, Public Service Company of

Colorado, P.O. Box 840, Denver, Colorado 80201.

NRC Branch Chief: Eric H. Johnson.

Rochester Gas and Electric Corporation, Docket No. 50-244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: January 19, 1984.

Description of amendment request: The proposed amendment would change: (1) the lower limit on the pressurizer level from 12% to 10.6% and (2) the P-10 permissive from 10% power to 8% power.

Basis for proposed no significant hazards consideration determination: The current Ginna specification on pressurizer water level states that the pressurizer level shall be maintained between 12 and 87%. The upper limit is based on a high level trip set point with sufficient margin to account for reference leg heatup. There is no comparable basis for the 12% lower limit.

Neither the Standard Review Plan (NUREG-0800), Chapter 16 nor the Westinghouse Standard Technical Specifications (NUREG-0452, Revision 4) requires a minimum value of the pressurizer water level. The inclusion of a lower limit at Ginna and the monitoring thereof provides additional information to the operators. Considering the a lower limit will be included in the Ginna Technical Specifications, setting the limit at 10.6% is appropriate because both isolation of the reactor coolant system (RCS) letdown and de-energizing of the pressurizer heaters occur at 10.6%. The heaters would not be uncovered unless the level would reach 5% so there is no concern regarding heater burnout. Changing the lower pressurizer level limit from 12 to 10.6%, consistent with the low pressurizer heater de-energization point and isolation of the RCS letdown does not create the possibility of a new or different kind of accident, or involve a significant increase in the probability or consequences of an accident previously evaluated. Further, the change does not involve a significant reduction in a margin of safety.

The P-10 permissive allows manual blocking of the intermediate range rod stop, the intermediate range high flux trip, and low set point of the power range high flux trip above 10% power. These trips are used to mitigate the consequences of a rod withdrawal transient from subcritical.

The proposed Technical Specification change for the P-10 permissive would allow the above trips to be bypassed

(blocked) at 8% power. This change is necessary because P-7 comes from the same power range bistable that supplies P-10. P-10 must be actuated at 8% power to satisfy the requirements for P-7. P-7 automatically unblocks the following reactor trips: 2 loop low flow, reactor coolant pump bus undervoltage, reactor coolant pump bus underfrequency, pressurizer low pressure, and turbine trip with P-9. These trips are associated with the 130 MW which is the upper limit of heat removal while on natural circulation.

The only transient analysis which uses this trip is a slow rod withdrawal. (Boron dilution is bounded by the slow rod withdrawal.) The only effect of reducing P-10 to 8% would be that a rod withdrawal accident (RWA) starting from 8% would be terminated by high flux and overtemperature delta T versus the intermediate and reduced high power trips. An evaluation performed on the RWA starting from 8% and 10% for various reactivity insertion rates shows approximately the same (DNBR) when the RWA is initiated from 8% versus 10% power. Further, there is substantial margin between the DNBR for a RWA from 10% and the limiting RWA from 100% power. The DNBR for a RWA starting from 8% will also be greater than the DNBR for the limiting RWA started from 100% power. Therefore, reducing P-10 to 8% has negligible effect on the Ginna Safety Analysis and the minimum DNBR for all RWAs is unchanged.

Changing the P-10 set point from 10% to 8% does not create the possibility of a new or different kind of accident from any accident previously evaluated. The accident of concern, a rod withdrawal accident (RWA), has been previously considered. The effect of the proposed change in P-10 on a RWA would be that the accident would be terminated by high flux and overtemperature delta T versus the intermediate and high power trips. Therefore, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated and does not involve a significant reduction in a margin of safety. Therefore, the staff proposes to determine that the requests involve no significant hazards consideration.

Local Public Document Room
location: Rochester Public Library, 115 South Avenue, Rochester, New York 14604.

Attorney for licensee: Harry H. Voigt, Esquire, LeBoeuf, Lamb, Leiby and MacRae, 1333 New Hampshire Avenue, N.W., Suite 1100, Washington, D.C. 20036.

NRC Branch Chief: Dennis M. Crutchfield.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: July 22, 1983.

Description of amendment request: The amendment corrects an error in Technical Specifications involving incorrect time constants in the overpower delta T and overtemperature delta T equations. The amendment also deletes unnecessary portions of those two equations involving multiplication by a factor of one and the addition of zero. Finally, the remaining variables will be renumbered for administrative purposes.

Basis for proposed no significant hazards consideration determination: Time constants Tau 1 and Tau 2 are incorrectly identified as 8 and 3 respectively in the overpower delta T and overtemperature delta T equations in Technical Specifications. The correct value from the safety analyses is zero for both of these time constants. Also, in each of these two equations, there are portions of the equations which involve multiplication by a factor of one or the addition of zero. Since multiplying by one or adding zero has no effect on the equations, those portions are being deleted. The variables left following deletion of the unnecessary variables will be renumbered for administrative purposes. The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. One of the examples relates to a purely administrative change to Technical Specifications such as correction of an error. The amendment involved here is similar in that it corrects errors in Technical Specifications, deletes unmeaningful portions of equations, and renumbers the remaining equation variables. Accordingly, the Commission proposes to determine that this change does not include a significant hazards consideration.

Local Public Document Room
location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Attorney for licensee: Randolph R. Mahan, P.O. Box 764, Columbia, South Carolina 29180.

NRC Branch Chief: Elinor G. Adensam.

Southern California Edison Company, Docket No. 50206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: August 29, 1977, supplemented October 20, 1978 and revised May 8, 1984.

Description of amendment request: The proposed amendment would modify the Technical Specifications to add limiting conditions for operation and surveillance requirements for the overpressure mitigation system (OMS). The May 8, 1984 submittal is a revision to the request for amendment dated August 29, 1977 and October 20, 1978 which was noticed in the **Federal Register** on July 20, 1983 (48 FR 33088). This submittal adds two additional technical specifications which (1) add the requirement for a channel test for the low pressure setpoint within 31 days prior to placing the OMS into operation on cooldown and (2) revise the reactor coolant pump start criteria when the reactor coolant system is water solid to specifically indicate that the temperature differential between the primary and secondary systems should not exceed 50°F. These changes were made in response to an NRC letter dated October 28, 1982 which transmitted the NRC's safety evaluation report on the OMS. In addition, the setpoint for initiation of the OMS is being lowered from 522 psig to 500 psig. A lower setpoint would result in initiation of the OMS sooner in the event of a system pressure increase and thus does not decrease the margin of safety.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards of no significant hazards consideration determination by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (ii) of actions likely to involve no significant hazards considerations relates to a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement.

The licensee's proposed amendment would add limiting conditions for operation and surveillance requirements not presently included in the Technical Specifications. The proposed amendment, therefore, falls within the category of the cited example and the staff proposes to determine that it would not involve a significant hazards consideration in that it (1) does not involve a significant increase in the probability or consequences of an

accident previously evaluated; (2) does not create the possibility of a new or different kind of accident from any accident previously evaluated; and (3) does not involve a significant reduction in a margin of safety.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Belotto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: Dennis M. Crutchfield.

Southern California Edison Company, Docket No. 50206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: April 12, 1984.

Description of amendment request: This submittal is a revision to the request for amendment dated September 9, 1983 which was noticed in the Monthly Federal Register Notice on November 22, 1983 (48 FR 52827). The amendment would incorporate the containment leak testing requirements of 10 CFR Part 50, Appendix J into the Technical Specifications. The above submittal modifies the initial amendment request to (1) clarify that airlock testing is done at 49.4 psig at six month intervals and at 10 psig within 72 hours following each opening, except when the air lock is being used for multiple entries, then at least once per 72 hours; and (2) provide acceptance criteria for the airlock leakage tests at 49.4 psig and at 10 psig. In addition, as part of the response to Multi-Plant Action B24, Containment Purging/Venting During Normal Operations, Technical Specification changes are proposed to require seal tests on passive containment ventilation isolation valves every six months and on active containment ventilation isolation valves every three months. The September 9, 1983 letter proposed a six-month frequency for both passive and active containment ventilation isolation valves. The change to 3 months was requested by the staff in a letter dated February 17, 1984.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether a requested action involves a significant hazard consideration by providing certain examples (48 FR 14870, April 6, 1983). One of the examples, of actions likely to involve no significant hazards

considerations, related to (vii) a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The licensee's submittal of September 9, 1983 included a discussion of the proposed action with respect to the no significant hazards consideration. This discussion is also applicable to the modifications in the April 12, 1984 letter. This discussion has been reviewed and the Commission finds it acceptable. The licensee stated, "the proposed change discussed above is deemed not to constitute a significant hazards consideration based on the fact that the proposed change constitutes additional restrictions and controls not presently included in the technical specifications." Further, the proposed changes are to make the Technical Specifications conform to the requirements of appendix J to 10 CFR Part 50. Therefore, the proposed amendment falls within the category of the example cited above and the Commission proposes to determine that the application does not involve a significant hazards consideration in that it (1) does not involve a significant increase in the probability or consequences of a previously evaluated accident; (2) does not create the possibility of a new or different kind of accident from an accident previously evaluated, and (3) does not involve a significant reduction in a margin of safety.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: Dennis M. Crutchfield.

Southern California Edison Company, Docket No. 50206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of Amendment request: May 1, 1984.

Description of amendment request: This amendment would modify the Administrative Controls sections of the Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards of no significant hazard consideration by providing certain examples (April 6, 1983, 48 FR 14870). One set of the

proposed changes is to bring the specifications into compliance with new § 50.73 of Title 10 of the Code of Federal Regulations in response to Generic Letter 8343. The new rule provides for a revised Licensee Event Report system; staff recommended changes in reporting requirements as a result of the rule are given in Generic Letter 8343. These changes, therefore, fall in category (vii), changes to make the license conform to changes in the regulations where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

In response to Generic Letter 8216, the requirements for the monthly operating report have been revised to include documentation of all challenges to pressurizer safety and relief valves (part of TMI Action Item II.K.3.3). This change falls within category (ii), an additional limitation, restriction or control not presently included in the technical specifications.

The administrative controls specifications are being revised to be more consistent with the Westinghouse Standard Technical Specifications and the San Onofre Units 2/3 Specifications. These changes include formatting, renumbering of sections, and wording changes which do not alter the intent of the specifications but make them conform more closely with the Standard Technical Specifications. Sections of Chapter 6 of the TS relating to another proposed change (PC 83, Radiological Effluent TS) now under staff review are renumbered as a result of the above changes. These changes, therefore, fall within category (i), purely administrative changes.

The last set of changes is proposed to recognize new position titles as a result of utility organization changes and to clarify the responsibilities of persons within the utility's nuclear organization. A specification has been added to clarify who may assume the control room command function and to recognize the positions of shift superintendent and control room supervisor as part of the minimum shift crew composition; words have been added further describing the function of the Shift Technical Advisor; and training requirements are revised to include post-TMI required training.

Management positions have been added to the offsite organization with responsibility for operations and maintenance support; and materials and administrative services. In addition, these positions are under the vice president responsible for nuclear generation services (operations). Responsibility for nuclear engineering,

safety and licensing has been transferred to another vice president. Previously, all of these areas were under one vice president. These changes are intended to provide increased executive level attention and oversight over all nuclear activities. These changes, therefore, are considered not to decrease the effectiveness of the licensee's administrative controls. On this basis, the staff proposes to determine that the requested action would involve a no significant hazards consideration determination in that it (1) does not involve a significant increase in the probability or consequences of an accident previously evaluated, (2) does not create the possibility of a new or different kind of accident from any accident previously evaluated and (3) does not involve a significant reduction in a margin of safety.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles H. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: Dennis M. Crutchfield.

Southern California Edison Company, et al. Docket Nos. 50-361, and 50-362 San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment request: July 23, 1982, August 16, 1982, December 17, 1982, January 28, 1983, January 25, 1984, and April 13, 1984 (reference PCN-004).

Description of amendment request: The amendments would revise Table 4.3-2 of Technical Specification 3/4.3.2, Engineered Safety Features Actuation System (ESFAS) instrumentation. Technical Specification 3/4.3.2 requires that the ESFAS instrumentation channels be operable, and defines a number of functional tests and response time tests that must be periodically conducted in order to assure such operability. Table 4.3-2 defines the frequency and operational modes for which surveillance must be conducted to verify operability of each of several types of ESFAS instrumentation. Specifically, Table 4.3-2 requires semi-annual testing of 102 ESFAS subgroup relays associated with the actuation logic for the Safety Injection Actuation System (SIAS), Containment Spray Actuation System (CSAS), Containment Isolation Actuation System (CIAS), Main Steam Isolation System (MSIS), Recirculation Actuation System (RAS), Containment Cooling Actuation System

(CCAS) and Emergency Feedwater Actuation System (EFAS). Note (4) of Table 4.3-2 requires that this semi-annual testing include energization/deenergization of each subgroup relay. Energization/deenergization of a subgroup relay necessarily results in actuation of the equipment controlled by the relay. Actuation during power operation of equipment associated with 23 of the 102 ESFAS subgroup relays will result in a plant trip or place the plant in an unsafe configuration. As a result, testing of these relays in accordance with note (4) of the existing Technical Specification requires a plant shutdown.

The proposed change would revise note (4) of Table 4.3-2 to exempt from testing during plant operation the 23 subgroup relays associated with equipment which cannot be safely actuated during plant operation or would trip the plant. The proposed change would require testing of each of these 23 relays during each cold shutdown of duration exceeding 24 hours unless the relay was tested during the previous six months. Since the maximum operating time between refuelings is 18 months, the maximum interval between testing of subgroup relays exempted from testing during power operation by the proposed change is 18 months, although it may be less. Therefore, the proposed change will result in a change in the maximum surveillance interval of the 23 affected relays from 6 months to 18 months.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870) of amendments that are considered not likely to involve significant hazards considerations. Example (vi) relates to a change which either may result in some increase in the probability or consequences of a previously-analyzed accident or may in some way reduce a safety margin, but where the results of the change are clearly within all acceptance criteria with respect to the system or component specified in the Standard Review Plan (SRP). Section 7.3 of the Standard Review Plan references Regulatory Guide 1.22, "Periodic Testing of Protection System Actuation Functions," which recommends that provisions be made to accommodate periodic testing of ESFAS subgroup relays at power. However, where the subgroup relay actuates equipment which will trip the plant or which cannot be safely operated at power, Regulatory Guide

1.22 provides for exceptions to this requirement where it can be demonstrated that relay assignments have been made in a manner which minimizes the number which cannot be tested at power. In this case, the relay assignments have been made such that only 23 out of 102 relays cannot be tested at power. The SRP acceptance criteria are satisfied by the proposed change in that the number of relays which cannot be tested at power is minimized and that periodic testing (with a maximum interval between tests of 18 months) is still required. Thus, the proposed change is similar to example (vi) of 48 FR 14870. Therefore, the Commission proposes to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocker, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington & Sutcliffe, Attn.: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111.

NRC Branch Chief: George W. Knighton.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: April 30, 1982 as supplemented June 10, 1982.

Description of amendment request: The proposed amendments would modify the Technical Specifications to:

1. Delete a statement in the definition of Limiting Conditions for Operations (LCO), which specifies that the reactor is to be placed in at least Hot Standby within six hours, and Cold Shutdown within the following 30 hours if required equipment has inoperable power sources or inoperable redundant components. (Units 1, 2 and 3)

2. Expand the definition of Rated Power to acknowledge that operation at rated power may involve brief periods of operation in excess of rated power provided the eight-hour average power level does not exceed the licensed level. Exclusions would be limited to 100.5% for one hour, 101% for 1/2 hour, or 102% for 15 minute, not to exceed 102%. (Units 1, 2 and 3)

3. Expand the requirements for minimum number of operable instrument channels for reactor water cleanup (RWCU) system floor drain high temperature isolation. Two channels per

"trip system" are presently specified. A note would be added to indicate that two operable channels are required for each floor drain location. (Units 1, 2 and 3)

4. Provide correct indication for which Residual Heat Removal Service Water (RHRSW) system pump timers are required to be operable for automatic initiation of emergency cooling. (Units 1, 2 and 3)

5. Change the pressure suppression chamber water level setpoint for high pressure coolant injection suction switchover from seven inches above normal suppression chamber water level to seven inches above instrument zero. (Units 1, 2 and 3)

6. Correct a typographical error. Note 9 in Table 3.2.B references Specification "3.5.1." The correct reference is "3.5.H." (Units 1, 2 and 3)

7. Eliminate surveillance requirements for remote temperature detectors serving the RWCU system space. (Units 1, 2 and 3)

8. Add the diesel generators to the LCO which specifies equipment required to be operable to support RHR containment cooling mode operation. (Units 1, 2 and 3)

9. Revise surveillance requirements such that additional surveillance testing of an operable RHRSW pump and its associated diesel generator, heat exchanger, and control valves, is not required unless three RHRSW pumps supplying standby cooling water are inoperable. Additional surveillance testing, at 15-day intervals, is presently required when only one pump is inoperable. (Unit 2)

10. Revise the referenced rate of change of suppression pressure which corresponds to the amount of allowable leakage. The presently referenced rate is 0.25 inches H₂O per minute. The correct value for Browns Ferry suppression chambers is 0.38 inches of water per minute. (Units 1, 2 and 3)

11. Eliminate a requirement that when performing control rod drive (CRD) maintenance with fuel remaining in the control cell (adjacent fuel assemblies), all remaining CRDs shall have their directional control valves disarmed. Also, eliminate the requirement for a shutdown margin demonstration with the strongest rod out, when CRD maintenance is performed during refueling. (Units 1, 2 and 3)

12. Delete two environmental sampling points for raw milk. (Units 1, 2 and 3)

Basis for proposed no significant hazards consideration determination:
The Commission has provided guidance for the application of their criteria for a proposed no significant hazards

consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). These examples include:

"(i) A purely administrative change to the technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature";

"(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirements";

"(vi) 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 * * * and

"(vii) A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations."

The general action statement contained in Section 1.0.C.2 of the Definitions is unnecessary and a source of confusion. Specific action statements for equipment and power source inoperability are provided in the Limiting Conditions for Operation, and circumstances in excess of those are covered by Section 1.0.C.1 of the Definitions. Change 1 will provide consistency between Section 1.0, "Definitions," and Section 3.0, "Limiting Conditions for Operation" and is therefore encompassed by example (i).

Change 2 would provide a definition of "steady state reactor core power," a term used in the license but presently undefined. The two percent excursions permitted by the definition are of short duration and are within allowances provided for in transient and accident analyses. Change 2 may result in some increase to the probability or consequences of an accident or may reduce the safety margin in some way, but the results are clearly within acceptance criteria for events analyzed under Standard Review Plan Section 15 and therefore, is encompassed by example (vi).

Table 3.2.A of the Technical Specifications requires that primary containment isolation instrumentation have a minimum of two operable channels per trip system. Change 3 would add an additional requirement for two independent channels at each

(RWCU floor drain) location. This change constitutes an additional limitation and is therefore encompassed by example (ii).

The Technical Specifications presently specify operability requirements for RHRSW pumps A3, B1, C3 and D1. However, of the 12 identical RHRSW pumps, A1, B3, C1 and D3 are actually used to provide the required emergency cooling service. This change corrects an error and is therefore encompassed by example (i).

Change 5 would change the high pressure coolant injection (HPCI) switchover reference level from an arbitrary datum to a fixed datum. The physical setting of the instrumentation would not change as a result of Change 5. This change is therefore encompassed by example (i).

Change 6 corrects an editorial error and is therefore encompassed by example (i).

The Technical Specifications presently require surveillance testing of the resistance temperature devices (RTD) and temperature switch instrumentation channels serving the RWCU space. However, the required instrumentation is served by the temperature switches only. The licensee proposes to eliminate the references to both the RTDs and the temperature switches and simply specify surveillance requirements for the RWCU space high temperature channels (without reference to the type of sensors), similar to the specifications for other instrument channels. This would have the effect of eliminating operability requirements for the non-safety RTD channels which are not required for automatic isolation of the RWCU space. Because the RTD information channels may in some way be useful in the event of an accident, this change may in some way reduce a safety margin but the results of the change are clearly within the Standard Review Plan Section 7 acceptance criteria. This change is therefore encompassed by example (vi).

Change 8 constitutes an additional Limiting Condition for Operation not presently included in the technical specifications. This change is therefore encompassed by example (ii).

Units 1 and 3 are each served by two RHRSW pumps; increased surveillance testing of the operable pump required if one pump is inoperable. Unit 2 is served by four pumps, with increased surveillance testing required if one is inoperable. Changing the Unit 2 specifications such that increased surveillance is not required unless three pumps are inoperable would provide

Unit 2 with a margin of safety comparable to Units 1 and 3. This change may in some way increase the probability or consequences of an accident but the change is clearly within the acceptance criteria for General Design Criterion 44. This change is therefore encompassed by example (vi).

Change 10 would correct an error in the bases of a technical specification. The rate of change of pressure which corresponds to 0.14 lb/sec leakage is 0.38 inches of water per minute for the Browns Ferry suppression chambers. This change corrects an error and is therefore encompassed by example (i).

During CRD maintenance with fuel in the control cell, sufficient requirements exist which prevent additional CRD withdrawal, making it unnecessary to (1) account for the effect of an additional (strongest) rod on the shutdown margin, and (2) to disarm the directional control valves of the remaining CRDs. The change may result in some increase in probability or consequences of an accident but the results are clearly within the acceptance criteria of Section 15.4 of the Standard Review Plan. This change is therefore encompassed by example (vi).

Two of the five raw milk sampling points would be deleted because milk-producing animals are not at those locations. The number of samples taken (from remaining locations) would not be changed. This change would correct an incompatibility between the Environmental Specifications and the physical environment and is therefore encompassed by example (i).

Therefore, since the application for amendment involves proposed changes that are similar to the examples for which no significant hazards are likely to exist, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Branch Chief: Domenic B. Vassallo.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request:
April 9, 1984.

Description of amendment request:

The proposed amendments would modify the Technical Specifications to:

1. Permit surveillance test intervals to be extended 25% with the limitation that no three consecutive intervals exceed 3.25 times the specified interval. (Units 1, 2 and 3)

2. Redesignate Specification 4.1.C as part of 4.1.A to correct an editorial error resulting from a previous amendment. (Unit 1)

3. Clarify that Reactor Low Water Level does not initiate complete primary containment isolation but only selected groups of isolation devices. (Units 1, 2 and 3)

4. Specify that the allowable main stream tunnel radiation trip setting is 2.4 to 3.6 times normal full power background level, and the alarm setting is 1.2 to 1.8 times normal full power background level. The existing Specification specifies nominal settings without tolerance limits. (Units 1, 2 and 3)

5. Specify that Group 8 isolation logic, for isolation of the Transverse Incore Probe (TIP) system, is initiated by either high drywell pressure or low reactor water level in lieu of high drywell pressure only. (Units 1, 2 and 3)

6. Clarify the initiation logic description for certain isolation valves associated with the high pressure coolant injection system and reactor core isolation cooling system. Group 7 isolation logic is keyed to turbine steam valve position rather than reactor water level. (Units 1, 2 and 3)

7. Specify that residual heat removal service water (RHRSW) pumps A1, B3, C1 and D3 are designated for automatic startup upon start of a core spray pump or loss-of-collant accident (LOCA) signal. Pumps A3, B1, C3 and D1 are presently incorrectly indicated (Units 1, 2 and 3)

8. Indicate that the reactor pressure indicator range is 0-1500 psig instead of 0-12—psig. (Units 1, 2 and 3)

9. Remove the containment air monitoring system penetration from the lists of testable electrical penetrations. (Units 1, 2 and 3)

10. Add suppression chamber vacuum breaker "X-219" to the list of testable electrical penetrations. (Units 1, 2 and 3)

11. Delete the June 30, 1982 deadline for equipment qualification and delete the December 1, 1980 deadline for records availability. (Units 1, 2 and 3)

12. Revise the personnel air lock door periodic testing requirements to reflect door modifications. (Unit 2)

13. Provide correct indications of the number and location of Hydrogen-Oxygen system isolation valves. (Unit 2)

Basis for proposed no significant hazards consideration determination:

The Commission has provided examples of license changes which are

likely to involve no significant hazards consideration (48 FR 14870). These examples include:

(i) A purely administrative change to the Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature.

(ii) A change that constitutes and additional limitation, restriction, or control not presently included in the Technical Specifications: For example, a more stringent surveillance requirement.

(vi) 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 . . .

(vii) A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

Change 1 is encompassed by example (vi). The bases of recently issued Technical Specifications for similar facilities state that the provisions of this Specification provide allowable tolerances for performing surveillance activities beyond those specified in the nominal surveillance interval. These tolerances are necessary to provide operational flexibility because of scheduling and performance considerations. The tolerance values, taken either individually or consecutively over three test intervals, are sufficiently restrictive to ensure that the reliability associated with the surveillance activity is not significantly degraded beyond that obtained from the nominal specified interval.

Change 2 is encompassed by example (i). It is an editorial modification which combines related specifications into a single paragraph.

Change 3 is encompassed by example (i). It will correct Table 3.2.A to be consistent with Table 3.7.A.

Change 4 is encompassed by example (vi). While the addition of tolerances to the trip setting may slightly reduce a margin of safety, the tolerances are sufficiently restrictive that trip function is not degraded and will be performed in accordance with acceptable criteria.

Change 5 is encompassed by example (ii). It adds a requirement for an additional isolation function.

Change 6 to a clarification and is thus encompassed by example (i). It provides additional understanding of the Group 7 isolation logic associated with

startup of the high pressure coolant injection (HPCI) and reactor core isolating cooling (RCIC) pumps.

Change 7 is encompassed by example (i). There are twelve RHRSW pumps, four of which have an automatic start feature to serve emergency equipment cooling. This change corrects and error, providing a correct description of an approved design feature and is therefore encompassed by example (i).

Change 8 is encompassed by example (i). It corrects an error and provides a correct description of indicator range. The actual indicator range is consistent with Regulatory Guide 1.105 criteria.

Change 9 is encompassed by example (i). It removes from a list of testable penetrations, a penetration which cannot be tested and is not intended to be tested.

Change 10 is encompassed by example (i). It adds to the list a testable penetration which was inadvertently omitted and which is presently included in the testing program.

Change 11 is encompassed by example (vii). Deletion of the Specification is consistent with the new 10 CFR 50.49(g) regulation which supersedes it.

Change 12 is encompassed by example (ii). Air lock doors have been modified to permit more stringent testing in accordance with 10 CFR Part 50 Appendix J.

Change 13 is encompassed by example (i). The revision will indicate the installed configuration of two outboard isolation valves in each line. This configuration is consistent with General Design Criterion 56.

Since all of the changes to the Technical Specifications given in the thirteen areas above are encompassed by an example in the guidance provided by the Commission of actions not likely to involve a significant hazards consideration, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Branch Chief: Domenic B. Vassallo.

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendments requests: March 16, June 28, August 3 and August 9, 1982,

and June 30, October 27, 1983, and March 22, 1984.

Brief description of amendments: The request for amendments was initially noticed on July 20, 1983 (48 FR 33092). This notice includes requested changes in subsequent submittals dated June 30, and October 27, 1983, and March 22, 1984. These submittals would amend the operating license and the Technical Specifications to reflect changes in the organizational structure of the licensee.

This reorganization deletes the position of Manager, Nuclear Operations and Maintenance and renames the Manager, Nuclear Technical Services to the Manager, Nuclear Operations Support. The Manager, Nuclear Operations Support will carry out his old responsibilities plus assume the responsibilities of the Manager, Nuclear Operations and Maintenance. The new responsibilities that transfer to the Manager, Nuclear Operations Support are Emergency Planning, Training and Operations and Maintenance Support. In addition, the Nuclear Fuel Operations group is a new responsibility that is added to the Manager, Nuclear Operations Support. Technical Analysis and Control has been deleted from the responsibilities of the Manager, Nuclear Operations Support. The Director, Administrative Services will report directly to the Vice President-Nuclear Operations. This reorganization maintains the direct communications between the Vice President-Nuclear Operations and the Nuclear Power Station Managers. Also the title of the Executive Vice President has been changed to the Executive Vice President and Chief Operating Officer.

A Technical Specifications change also reflects the recent reorganization of the Security Department. The proposed change has the Station Security Supervisor reporting to the Director, Nuclear Security at the corporate office. The Station Security Supervisor will continue to have communications with the Supervisor Services at the station.

A Technical Specifications change also adds the Executive Manager-Quality Assurance to Specification 6.1.C.3.c to receive Quality Assurance Department audit reports.

The reorganization within the Nuclear Operations Department and the Maintenance and Performance Services Department will aid in the quality of training activities at the power stations. The Director Training within the Nuclear Operations Department will now be the Director Nuclear Training in the Maintenance and Performance Services Department. The Director Nuclear Training will report to the Manager Power Training Services who

will report to the Manager Maintenance and Performance Services who will ultimately report to the Senior Vice President Power Operations. The Director Nuclear Training will have the Superintendent Nuclear Training (who is located at the power station) reporting directly to him. The Superintendent Nuclear Training will have communications with the Station Manager.

This proposed Technical Specification change reflects the administrative change in title of the Fire Marshall to Loss Prevention Supervisor and deletion of the NDE Supervisor position. Trends within the utility Loss Prevention/Fire Protection field have been indicative of a continuing upgrading of the importance placed on property protection and the roles of the individuals charged with this function. The title of Loss Prevention Supervisor connotes a more appropriate business/professional role than Fire Marshall. For these reasons, the Station Fire Marshall title is changed to Loss Prevention Supervisor to more appropriately reflect their responsibilities and rank.

The NDE Supervisor position has been deleted from the station organization. It was determined that the functions performed by the NDE group are more in line with the Quality Assurance function than with Engineering. Therefore, the NDE Supervisor position has been shifted to Corporate under the QA group.

Basis for proposed no significant hazards consideration determination:

The proposed changes do not affect reactor operations or accident analyses and have no radiological consequences. Therefore, operation in accordance with the proposed amendment clearly involves no significant hazards consideration, because the changes will 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. Accordingly, the Commission proposes to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Mr. Michael W. Maupin, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Branch Chief: Steven A. Varga.

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment requests: April 5, 1984.

Description of amendment requests: This proposed change revises Specifications 3.6.B.1 and 3.6.D. The existing Technical Specifications require that an auxiliary feedwater pump on the opposite unit be operable at all times a unit is above 350°F and 450 psi. Both Unit 1 and 2 Specifications are identical. In the event of a fire on one unit which would render that unit's auxiliary feedwater pumps inoperable, residual heat removal would continue to be assured by the availability of either the steam driven auxiliary feedwater pump or one of the motor driven auxiliary feedwater pumps from the opposite unit. This proposed change revises the status of the opposite unit's auxiliary feedwater pump from "operable" to "available". Available is defined as "(1) operable except for automatic initiation instrumentation, (2) offsite or emergency power may be inoperable in cold shutdown, and (3) it is capable of being used with the opening of the cross-connect." This proposed change defines the condition where the opposite unit's auxiliary feedwater pump is available and capable of performing its intended function but not required to meet the strict definition of operable as defined in the Technical Specifications.

This proposed change also adds a specification not currently in the Technical Specifications which allows the opposite unit auxiliary feedwater pump down time for maintenance and repairs. The specific action provided is to be in hot shutdown within the next 6 hours and in cold shutdown within the next 30 hours in the event that the opposite unit auxiliary feedwater pumps and associated piping, valves and controls are unavailable for a period of more than seven days.

This change also corrects typographical and minor editorial errors.

Basis for proposed no significant hazards consideration determination: The change from "operable" to "available" does not degrade the use of the system because the condition of the opposite unit's auxiliary feedwater pump is essentially unchanged. The component is still required to perform its function. The change avoids the possibility of violating a definition of the Technical Specification when the opposite unit is in cold shutdown. We propose a determination of no significant hazards because the change does 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 previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The Commission has also provided guidance concerning the application of standards for a no significant hazards consideration determination by providing certain examples (48 FR 14870, April 6, 1983). The change involving maintenance and repair falls into the category of example (ii) of changes not likely to involve significant hazards considerations, a change that constitutes an addition, restriction or control not presently included in the Technical Specifications.

The editorial changes in this proposed change are encompassed by Example (i) of changes not likely to involve significant hazards considerations; a purely administrative change to technical specifications, for correction of errors, in this instance, typographical and minor editorial errors.

On the grounds, the staff proposes to determine that the proposed changes described above involve a no significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Mr. Michael W. Maupin, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Branch Chief: Steven A. Varga.

Washington Public Power Supply System, Docket No. 50-397, WNP-2 Richland, Washington

Date of amendment request: March 9, 1984, April 25, 1984 and May 4, 1984

Description of amendment request: This amendment will modify the Technical Specification (TS) to provide a clarification of certain TS requirements, provide editorial and/or administrative corrections of certain TS requirements, and provide TS changes to reflect consistency with the actual plant design.

The revisions are described as follows:

(1) Technical Specification 3.3.7.9, Fire Detection Instrumentation: In table 3.3.7.9-1, under Reactor Building Elev. 606'-10.5", align the number 6/0 under column UD, move instruments in Control Room (PGCC) from column SD to TD and add two thermal detectors. Also in Technical Specifications 3.7.6.2.a., add item 4 to indicate where the preaction and deluge spray and sprinkler system will also be operable.

(2) Technical Specification 3/4.5.1., Emergency Core Cool System—Operating: For surveillance requirements for Automatic Depressurization System, change initiations setpoints in item 3(c) to greater than or equal to 140 psig from 140±3 psig on decreasing pressure and alarm setpoint to greater than or equal to 135 psig from 135± psig on decreasing pressure.

(3) Technical specification 3/4.6.6, Primary Containment Atmosphere Control—Drywell and Suppression chamber Hydrogen Recombiner System: In paragraph 4.6.6.1 item a., line 2, add the word "heater" after "minimum recombinder."

(4) Technical Specification 3/4.8.4, Electrical Equipment Protective Devices—A.C. Circuits Inside Primary Containment: In paragraph 3.8.4.1, item a., change breaker 2BR to 8AR. Add item d. stating that "Circuits supplied by breakers in cubicles 2BL, ID, and 2CR of MC-3DA." Revise Table 3.8.4.2-1 to include the new fuse sizes on some of the primary circuits and delete entries for MT-HOI-18 and MT-HOI-19c from the table.

(5) Technical Specification 3.8.4.3, Motor-Operated Valves Thermal Overload Protection: From Table 3.8.4.3-1, delete valves RC1C-V12, RC1C-V-64, RHR-V-11A, RHR-V-11B, RHR-V-12A, RHR-V-12B, RHR-V-26A, RHR-V-26B, RHR-V-52A, RHR-V-52B, RHR-V-67A, RHR-V-87B, RHR-V-124A, RHR-V-124B, RHR-V-124A, RHR-V-125B, RRC-V-67A, and RRC-V-67B.

(6) Technical Specification 6.0, Administrative Controls: In Figure 6.2.1-1, Change "Power Generation Director to Assistant Managing Director for Operations, Technical Director to Engineering Director and move Support Service Director Functions under Assistant Managing Director for Operations." In Figure 6.2.2-1a, change "Technical Training Manager to Technical Coordinator." Under Assistant Plant Manager, add Planning and Scheduling Supervisor, and under Technical Manager, add Plant Engineering Supervisor I & II. Also change Health Physics to Health Physics/Chemistry Support Supervisor, and under Maintenance Manager, delete, Spare Parts Material Supervisor and add Procurement Manager.

On page 6-8, line 3, change wording "Training Manager to Technical Training Coordinator." Also in paragraph 6.5.1.2, change "Plant QA/QC Manager to Plant QA Manager." On page 6-9, items e & k, change designation "Director of Power Generation to Assistant Managing

Director for Operations." In item i, delete the last word "and" in item 1c, add word "and" at the end. On page 6-10, at the end of paragraph b., add "as defined in 10CR50.59." In paragraph c. and section 6.5.1.8, change the title "Director of Power Generations to Assistant Managing Director for Operations." On page 6-11, Section 6.5.2.2, change lines 3 to 6 to read as, "Supply System. He shall designate from members, a Chairman, an alternate Chairman, and an Executive Secretary. The plant organization of the Directorate of Engineering Support Services, and Licensing and Assurance shall be represented. The qualification of all members shall meet the". In sections 6.6.1, Item a. and Section 6.7.1, Items a. and c. change "Director of Power Generation to Assistant Managing Director for Operations". Also in a. & c. delete words "within 24 hours" and "within 14 days of the violation" respectively. Change the first sentence of paragraph 2 of Section 6.8.2 to read "In addition, the review and approval of the implementing procedures supporting item k in Specification 6.8.1 will be coordinated by the Director Support Services who will provide review and approval control." On page 6-16, delete the note at the bottom of the page.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazard consideration include: (i) A purely administrative change to the Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature; and, (ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement.

Examples (i) and (ii) above applies to item (1) since the changes in Table 3.3.7.9-1 corrects typographical errors and the changes on pages 3-81 and 7-21 provides additional thermal detectors in the control room and preaction and deluge spray system in another area of the Radwaste Building. The change requested in item (2) makes the requirement more conservative, since the minimum initiation and the alarm setpoints have been changed from 137 psig to 140 psig and 132 psig to 135 psig respectively on decreasing pressure. Example (ii) also applies to this item.

Example (i) applies to item (3) as this change corrects an error in the technical specifications as presently written. The heated gas temperature must be at least 500°F to prevent degradation of the catalyst bed for halogens that are present in the feed gas. In item (4), changes in the technical specification has lowered the setpoint of overcurrent protection for the electrical penetration assemblies. In addition, the entries for MT-HOI-18 and MT-HOI-19C have been deleted as this equipment is not needed during operating conditions 1, 2, and 3 to which this technical specification applies. Example (ii) above applies to this item.

The technical specification changes to Table 3.8.4.3-1 in item (5) reflect the deletion of RHR steam condensing mode of operation and deletion of the associated valves. The licensee requested deletion of this mode of operation in their letters dated June 22, 1983 and September 15, 1983. The request was reviewed and found acceptable. The NRC staff evaluation was reported in Supplement No. 4 to the WNP-2 Safety Evaluation Report issued in December 1983. However the licensee inadvertently submitted, and the NRC staff has inadvertently approved, technical specifications requiring the RHR steam condensing mode. The deletions of valves RRC-V-67A and 67B is also acceptable, since these are non-IE valves and were listed in error. Example (i) above applies to this item.

Item 6 describes changes in titles (i.e. Power Generation Director to Assistant Managing Director for Operations, Technology Director to Engineering Director, Health Physicist to Health Physics/Chemistry Support Supervisor and Training Manager to Technical Training Coordinator). In addition these changes also describes addition of certain positions and administrative reporting requirements of certain groups. None of these changes involve any deletion of support to WNP-2 facility. Example (i) applies to this item and this does not involve a significant hazards consideration.

Therefore since the application for amendment involves proposed changes that are similar to examples for which no significant hazards considerations exist, the Commission has made a proposed determination the application for amendment involves no significant hazards considerations.

Local Public Document Room location: Richland City Library, Swift and Northgate Streets, Richland, Washington.

Attorney for licensee: Nicholas Reynolds, Esquire, Bishop, Cook,

Liberman, Purcell and Reynolds, 1200 Seventeenth Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Washington Public Power Supply System, Docket No. 50-397, WNP-2, Richland, Washington

Date of amendment request: March 13, 1984 and May 4, 1984.

Description of amendment request: This amendment would modify the Technical Specification (TS) to provide clarification of the surveillance requirements and reflect consistency with the actual plant design. The revision is a described as follows:

(1) Paragraph 4.8.2.1.d.2 is changed to read as follows: The battery capacity is adequate to supply D.C. power to the Class IE load as required for safe shutdown while maintaining the battery terminal voltage greater than or equal to 21 volts for the +24-volt battery, 105 volts for the 125-volt battery, and 210 volts for the 250-volt battery.

(2) The time during which the battery is capable of supplying and maintaining the actual emergency loads in operable status is changed from 8 hours to 2 hours. Paragraph 4.8.2.1.d.1 is changed to read as follows: "The battery capacity is adequate to supply and maintain in OPERABLE status all of the actual emergency loads for 2 hours for Divisions 1, 2 and 3 when the battery is subjected to a battery service test, or," (3) Note (a) in Table 4.8.2.1-1 is changed to clarify the level correction as follows: "Corrected for electrolyte temperature. Level correction will be used when electrolyte level is outside the normal range."

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazard consideration include: (i) A purely administrative change to the Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature; and, (ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement. Example (ii) applies to item (1) since the minimum D.C. system design voltage has been increased to 21 volts for the +24-volt battery, 105 volts for the 125-volt battery and 210 volts for the 250-

volt battery. This will assure that the battery capacity is adequate for the emergency load cycle as shown in the table. The change requested in item (2) is acceptable since the staff evaluated the design change in early 1982 and reported its evaluation in the staff's Safety Evaluation Report (NUREG-0892) issued in March 1982. Example (i) applies to this item since the change corrects an unintentional error in the technical specification. Further, example (i) also applies to item (3), since the change clarifies the technical specification as issued. Therefore, since the application for amendment involves proposed changes that are similar to example for which no significant hazards considerations exist, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room

Location: Richland City Library, Swift and Northgate Streets, Richland, Washington.

Attorney for licensee: Nicholas Reynolds, Esquire, Bishop, Cook, Liberman, Purcell, and Reynolds, 1200 Seventeenth Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Units No. 1 and No. 2, Town of Creeks, Manitowoc County Wisconsin

Date of amendment request: February 29, 1984.

Description of amendment request:

The proposed amendments would provide limiting conditions for operation and surveillance requirements for new systems required as a result of NUREG-0737, TMI Action Plan. These systems include reactor coolant system vents, post-accident sampling system, noble gas effluent monitoring, containment post-accident monitoring systems for pressure, water level, hydrogen and radiation and instrumentation for detection of inadequate core cooling.

Basis for proposed no significant

hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations is example (ii), a change that constitutes an additional limitation, restriction or control not presently included in the technical specifications. New equipment has been installed in response to NUREG/0737. These technical specifications provide new limiting conditions for operation and new

surveillance requirements for this equipment not currently contained in the technical specifications. The licensee's submittal was made after receiving staff guidance in the form of Standard Technical Specifications for Westinghouse PWRs. The licensee's submittal generally follows this guidance. Therefore, the staff proposes to find that the proposed amendments do not involve a significant hazard consideration.

Local Public Document Room

Location: Joseph P. Mann Library, Two Rivers, Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street N.W., Washington, D.C. 20036.

NRC Branch: James R. Miller.

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant Units No. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: March 16, 1984.

Description of amendment request:

The proposed amendments would revise the Technical Specifications to limit movement of heavy loads (greater than 1,750 pounds) over spent fuel stored in the spent fuel pool. Several additions and two deletions would be made to the list of safety related snubbers. Several position title changes would be made in the Administrative Control section. New minimum shift staffing requirements per 10 CFR 50.4m have been proposed. Fire protection organization charts would be updated. Manager's supervisory staff industrial safety review requirements would be deleted from the Technical Specifications. Requirements for Emergency Plan drills would be deleted from the Technical Specifications and are now contained in the Emergency Plan.

Specifications governing the qualification and training requirements for the Superintendent-Chemistry and Health Physics or the Health Physicist would be modified such that these requirements now apply to the Health Physicist or a designated alternate. The specific requirements remain the same. Revisions to clarify and simplify the specifications for temporary procedure changes would be made. In addition, various administrative corrections involving typographical errors, incorrect terminology, etc. would be made.

Basis for proposed no significant hazards consideration determination:

The Commission has provided guidelines concerning the application of the standards by providing certain examples (48 FR 14870). One of the

examples of actions involving no significant hazards considerations is example (ii), a change that constitutes an additional limitation, restriction or control not presently included in the technical specifications. The changes related to movement of heavy loads over the spent fuel pool imposes the additional restriction of limiting loads to 1,750 vice 2,000 pounds, and restricting fuel movement when any fuel assemblies are in that half of the pool whereas previously fuel assemblies stored longer than one year need not have restricted heavy load movement.

Another example of actions involving no significant hazards considerations is example (vi), 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. The changes to the table listing safety-related snubbers meet this example. The licensee has performed safety evaluations regarding the additions and deletions of the snubbers in question. The NRC staff has evaluated the licensee's piping modifications, including addition of snubbers, hangers and supports, and has determined that these changes were acceptable. The addition of snubbers to the safety related list of snubbers is allowed by existing Technical Specifications without prior NRC review and approval. The deletion of two snubbers from the list is supported by the fact that, as a result of the additional snubbers, piping support and hangers, these snubbers are no longer subjected to load and, therefore, are no longer needed to provide support and restraint and thus may be removed.

Another example of actions involving no significant hazards considerations is example (i) purely administrative changes to the technical specifications, for example a change to achieve consistency throughout the specifications, correction of an error, or a change in nomenclature. With the exception of changes to the shift staffing requirement, the remainder of the proposed changes meet this example. The fire protection organization charts have been updated to reflect changes in title, additions of new personnel and removal of contract security personnel which are no longer required to meet minimum fire brigade manning requirements. The requirement for conducting annual Emergency Plan exercises has been deleted as this requirement now exists in the

Emergency Plan which is audited per the technical specifications to ensure that this and other requirements are met. The requirements for training and qualification if the Radiation Protection Manager remain the same but are proposed to apply to different individuals than previously. The administrative section governing temporary procedure changes has been clarified and condensed. The requirements remain essentially the same. The remainder of the changes considered purely administrative address correction of typographical errors and terminology.

Another example of actions involving no significant hazards considerations is example (vii), a change to make license conform to the regulations. The proposed changes for shift staffing are intended to meet the new staffing rule 10 CFR 50.54m and therefore meet this example.

Based on the above, the staff proposes to determine that the proposed amendments involve no significant hazards considerations.

Local Public Document Room
location: Joseph P. Mann Public Library,
Two Rivers, Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street N.W., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Wisconsin Electric Power Company,
Docket Nos. 50-266 and 50-301, Point
Beach Nuclear Plant Units Nos. 1 and 2,
Town of Two Creeks, Manitowoc
County, Wisconsin

Date of amendment request: April 18, 1984.

Description of amendment request:
The application revises previous submittals dated October 25, 1983 and February 7, 1984 relating to proposed Technical Specifications for conduct of Type "A" containment integrated leak rate testing. Specifically, (1) minor clerical revisions are made to the original submittal and (2) modeling conditions for conduct of the test have been revised in keeping with the final version of the Topical Report provided as technical supporting justification for the proposed Technical Specification change.

Basis for proposed no significant hazards consideration determination:
The Commission has provided guidance concerning application of these standards by providing certain examples (48 FR 14870). Examples of actions involving no significant hazards considerations include example (i), a purely administrative change to the technical specifications and example (ii)

a change that constitutes an additional limitation, restriction or control not presently included in the technical specifications. The staff provided notice of consideration of proposed issuance of amendments concerning the licensee's original October 25, 1983 application (49 FR 3344). The staff proposed to determine that the amendments did not involve a significant hazards consideration. Those proposed determinations are still valid. With regard to the differences between the licensee's revised application of April 18, 1984 and the original application, these differences consist of correction of typographical errors and terminology and of additional modeling conditions for conduct of the containment Type "A" leak rate testing as described in the final version of the Topical Report submitted as technical justification for the proposed change. These additional modeling conditions constitute additional limitations over the original version of the proposed technical specification changes and, therefore, the April 18, 1984 modification of the licensee's October 25, 1983 submittal meets the Commission's examples (i) and (ii) of actions involving no significant hazards consideration. Therefore, the staff proposes to determine that the proposed amendments do not involve a significant hazards consideration.

Local Public Document Room
location: Joseph P. Mann Public Library,
Two Rivers, Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street N.W., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Wisconsin Electric Power Company,
Docket Nos. 50-266 and 50-301, Point
Beach Nuclear Plant Units Nos. 1 and 2,
Town of Two Creeks, Manitowoc
County, Wisconsin

Date of amendment request: May 2, 1984.

Description of amendment request:
The requested amendment would revise the Technical Specifications (T.S.) for surveillance of the containment prestressed tendons. The proposed revisions would require periodic surveillance on randomly selected tendons of each of the three tendon groups, e.g., loop, vertical and dome rather than of the same tendons as in the existing T.S. Further, the number of tendons surveilled would be increased from nine to eleven. Visual and physical inspections of the selected tendons would be conducted alternately at five year intervals by the proposed T.S.

The physical inspection under the proposed revisions would include additional requirements over the existing T.S. in that adjacent tendons are also inspected if the prestressing force of the tendon is greater than 90% of the predicted lower limit but less than the predicted lower limit.

The proposed T.S. would impose additional tensile testing requirements on a removed wire and also elongation vs. jacking force measurement criteria not required by current T.S. New reporting requirements would also be imposed in the event that an engineering evaluation of any abnormal conditions indicates that a significant degradation of the containment integrity may exist.

Basis for proposed no significant hazards consideration determination:
The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). Examples of actions involving no significant hazards considerations include example (ii), a change that constitutes an additional limitation, restriction or control not presently included in the technical specifications, and example (vi), a change which 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. Most of the changes in the proposed technical specifications are of the first type, that is, they impose additional restrictions in the way of reporting requirements, physical testing criteria, numbers of tendons tested, etc. One of the changes is of the second type, that is, the frequency of physical testing of the surveillance tendons for a unit occurs at a 10 year vice 5 year frequency as is currently required by the T.S. While this appears as an apparent relaxation, the physical testing criteria have been upgraded and in all other respects this change is in conformance with the latest revision of Regulatory Guide 1.35 "Inservice Inspection of Ungrouted Tendons in Prestressed Concrete Containments." Therefore, because of the considerations discussed above, the staff proposes to determine that the proposed amendments do not involve a significant hazards consideration.

Local Public Document Room
location: Joseph P. Mann Public Library,
1516 Sixteenth Street, Two Rivers,
Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts &

Trowbridge, 1800 M Street NW.,
Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

**PREVIOUSLY PUBLISHED NOTICES
OF CONSIDERATION OF ISSUANCE
OF AMENDMENTS TO OPERATING
LICENSES AND PROPOSED NO
SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION
AND OPPORTUNITY FOR HEARING**

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this regular monthly notice. They are repeated here because the monthly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the *Federal Register* on the day and page cited. This notice does not extend the notice period of the original notice.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50-366, Edwin I. Hatch Nuclear Plant, Unit No. 2, Appling County, Georgia

Date of amendment request: January 23, 1984, as supplemented April 3, 1984.

Brief description of amendment: The amendment would modify the Hatch Unit 2 Technical Specifications to reflect the use of the new Analog Transmitter Trip System (ATTS) that is currently being installed at Hatch Unit 2. The ATTS related changes include new instrument trip setpoints/allowable values and surveillance intervals which take credit for the advantages that the new devices have over those currently installed at the plant, in terms of setpoint drift and instrument accuracy. In addition to these types of revisions, this amendment would make a number of other types of Technical Specification changes including the following:

Changes to plant-specific equipment identification (MPL) numbers as the result of new numbering which has been assigned to ATTS components.

Changes which account for modifications to instrument loops or trip logic resulting from the new ATTS design.

Changes which correct minor typographical or description errors found in the Hatch 2 Technical Specifications during the safety review process for ATTS. The errors found do not necessarily affect sections covering requirements for ATTS components.

Changes to the Technical Specification Bases Sections to correct

existing errors and to update them with respect to the other proposed ATTS changes.

The modifications are as follows:

1. Change the surveillance requirements for the ATTS instrumentation to once per shift for channel checks, once per month for channel functional tests, and once per operating cycle for channel calibrations. Additional changes to the nomenclature used in the Technical Specifications are included for clarification and consistency with this proposed change.

ATTS replaces the pressure, level, and temperature switches in the reactor protection system and emergency core cooling system (ECCS) with analog sensor/trip unit combinations. The system is designed to improve sensor intelligence and reliability, while still providing continued monitoring of critical parameters and performing the intended basic logic function. The licensees have stated that since the ATTS instrumentation is superior in design to the mechanical switches currently used at Hatch, certain surveillance intervals may be extended without any significant effect on the expected magnitude of sensor drift or frequency of instrument malfunction.

2. Lower the Level 2 trip setpoint/allowable value from -38 inches to -55 inches. This will decrease the number of plant transients by decreasing the number of HPCI/RCIC (High Pressure Coolant Injection/Reactor Core Isolation Cooling) actuations due to normal operational perturbations in water level.

3. Delete the high drywell pressure isolation trip for residual heat removal (RHR) (shutdown cooling mode), reactor pressure vessel head spray valves, and reactor water cleanup (RWCU). The purpose of this change is to stop small steam leaks in the drywell from preventing operation of the RHR and RWCU systems during the shutdown cooling mode, thereby prohibiting an acceptable normal shutdown procedure.

4. Lower the water level trip setpoint for isolation of RWCU and secondary containment, and startup of the standby gas treatment system (SGTS) from Level 3 to Level 2. A reactor scram from normal power (less than 50-percent rated) usually results in a reactor vessel water level transient due to a void collapse that causes RWCU isolation at Level 3. This usually results in the dropping of the cleanup filter cake and added radwaste processing. These problems may be avoided by lowering RWCU isolation to Level 2. Lowering the SGTS actuation and secondary containment isolation from Level 3 to

Level 2 reduces the potential for spurious isolations.

5. Designate the hot leg sensor of the RWCU area ventilation high temperature differential instrument as the RWCU area high temperature sensor, eliminating the current RWCU area high temperature sensor. Use of the hot leg of the differential temperature sensor for the high ambient temperature trip rather than using an independent trip element trip device may cause slight changes in the sensitivity of the RWCU area leak detection system, depending upon the heating, ventilation, and air-conditioning (HVAC) design, but it will not defeat the intended function of the system. In general, this new arrangement will create more reliable detection since the HVAC system will be drawing air across the resistance temperature detectors (RTDs). Therefore, there is no possibility of the sensors being located in a dead air space relative to certain break locations in the room.

6. Delete high drywell sensors E11-N011A, B, C, D that are currently assigned a trip function for the Core Spray, RHR and HPCI and replace them with sensors E11-N010A, B, C, D that are also currently assigned a trip function for the automatic depressurization system (ADS). (There is an editorial error in the current Technical Specification Table 3.3.3-1, Item 4a. The ADS high drywell pressure trip sensors should have been listed as E11-N010A, B, C, D.)

Since these sensors (E11-N010A, B, C, D) are being incorporated into the new ATTS modification, their numbers are being changed to E11-N694A, B, C, D.

7. Replace the trip setpoints listed in the Technical Specifications with newly generated allowable values. The purpose of this change is to update the Technical Specification trip setpoints for instruments being replaced by the ATTS. Since the time that the original setpoints were determined, a better calculational method has been developed. This proposed change uses Regulatory Guide 1.105 methodology in updating the setpoints for the instruments being replaced with the new ATTS units and takes credit for the improved error and drift characteristics of the new system.

8. Delete the reactor steam dome pressure permissive which prevents the group 1 isolation valves from being bypassed on a low condenser vacuum isolation at reactor pressure above the scram setpoint. With the permissive deleted, the operator may open the valves from a hot pressurized condition before clearing a scram. Currently, the

operator must clear the scram signal prior to opening the main stream isolation valves (MSIVs) when in this condition.

9. Lower the reactor vessel water level-high (Level 8) trip setpoint from 58 inches to 56.5 inches. The licensees stated that they used the criteria of Regulatory Guide 1.105 in determining this revised setpoint.

Date of publication of individual notice in Federal Register: May 15, 1984, 49 FR 20580.

Expiration date of individual notice: June 14, 1984.

Local Public Document Room location: Applying County Public Library, 301 City Hall Drive, Baxley, Georgia.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50-366, Edwin I. Hatch Nuclear Plant, Unit No. 2, Appling County, Georgia

Date of amendment request: April 3, 1984.

Brief description of amendment: The amendment would modify the Hatch Unit 2 Technical Specifications as follows:

1. Add a figure to define the Average Planar Linear Heat Generation Rate limit (MAPLHGR) for fuel type P8DRB284H. The licensees informed us that this change is requested in connection with the core reloading of Hatch Unit 2 to allow for introduction of a new fuel type. This fuel type has not been previously used in Hatch Unit 2 but has been used in Hatch Unit 1.

2. Increase the operating limit Minimum Critical Power Ratio (OLMCPR) for 8x8R and P8x8R fuel. This change is requested in conjunction with the core reloading of Hatch Unit 2. The licensees have stated that the intent of this change is to allow for licensing the fourth Hatch Unit 2 reload under 10 CFR 50.59 when final design and licensing work are completed.

3. Change the description of the control rod assemblies in Section 5.3.2 (Design Features) of the Hatch Unit 2 Technical Specifications to delete references to the specific materials and details of construction of the control blades. The licensees have stated that this change is intended to support the use in Hatch Unit 2 of an arbitrary number (up to 137) Type I General Electric Hybrid I Control Rod (HICR) assemblies containing some hafnium as absorber material in place of the boron carbide control rods presently in use. The HICR form, fit and function are identical to that of the blade it replaces. The HICR is designed to increase

control rod assembly life and to eliminate cracking of absorber tubes containing boron carbide (B₄C). The essential differences between the HICR and the BWR Z-4 D-lattice control rod assemblies currently in use are:

(a) Improved B₄C absorber rod tube material to eliminate cracking during the lifetime of the control rod assembly, and

(b) Some B₄C absorber rods are replaced with solid hafnium absorber rods to increase blade life.

4. Increase the number of fuel assemblies that can be loaded around a source range monitor (SRM) in order to assure that 3 counts per second (cps) can be achieved without the use of additional sources or dunking chambers. The current Hatch Unit 2 Technical Specifications require that the fuel assemblies be loaded into their previous core position next to each of the four SRMs. The loading of the bundles around the SRMs before attaining the 3 cps is permissible because these bundles were in subcritical configuration when they were removed and therefore will remain subcritical when placed back in the previous position. This request is very similar to an earlier request for Hatch Unit 2 which was granted as Amendment No. 26 for loading two bundles next to the SRMs. Because Hatch Unit 2 has been in an extended outage, more than two bundles may be required to establish the requisite 3 cps on the SRMs so that fuel loading may proceed.

Date of publication of individual notice in Federal Register: May 15, 1984, 49 FR 20584.

Expiration date of individual notice: June 14, 1984.

Local Public Document Room location: Applying County Public Library, 301 City Hall Drive, Baxley, Georgia.

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: January 26, 1984.

Brief description of amendment: The proposed amendment would remove the present limits on receipt, possession, and use of byproduct, source, or special nuclear material for sample analysis and instrument calibration, and would permit receipt, possession, and use of such material in amounts as required for such purposes and for testing and uses associated with radioactive apparatus.

Date of publication of individual notice in Federal Register: May 11, 1984, 49 FR 20089.

Expiration date of individual notice: June 11, 1984.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Indiana and Michigan Electric Company, Docket No. 50-316, Donald C. Cook Nuclear Plant, Unit No. 2, Berrien County, Michigan

Date of amendment request: May 21, 1984.

Description of amendment request: The proposed amendment involves changes to the Technical Specifications on nuclear enthalpy rise hot channel factor ($F_{N_{\Delta H}}$) and power level as a result of emergency core cooling system/loss of coolant accident analysis with up to 5% of the steam generator tubes plugged. The proposed change will include an $F_{N_{\Delta H}}$ which is flow dependent at various power levels and is limited by both loss of coolant accident (LOCA) and departure from nucleate boiling (DNB) considerations.

Date of publication of individual notice in Federal Register: May 24, 1984, 49 FR 22008.

Expiration date of individual notice: June 7, 1984.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Yankee Atomic Electric Company, Docket No. 50-29, Yankee Nuclear Power Station, Franklin County, Massachusetts

Date of amendment request: April 17, 1984.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to: (1) Change the capacity of the pressurizer code safety valves, reflecting the installation of new safety valves; (2) delete four snubbers from the TS that were removed as a result of the safety valve replacement; (3) incorporate operability, surveillance and trip setpoint requirements for the recently installed degraded voltage protection system; (4) update the containment isolation valve listings to reflect removal of the low pressure surge tank (LPST) from the containment boundary, installation of hydrogen recombiner taps and relocation of the outside Main Coolant System Leakage Air Particulate Monitor (MCSLAPM) to inside containment; and (5) incorporate operability and surveillance requirements for the previously installed reactor coolant systems (RCS) vents.

Date of publication of individual notice in Federal Register: May 14, 1984 (FR 49 20391).

Expiration date of individual notice: June 13, 1984.

Local Public Document Room location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the 30-day period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application 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.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless indicated otherwise, the Commission has determined that the issuance of the amendments 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 issuance of the amendments. If the Commission has prepared an Environmental Impact Appraisal related to these actions, it is so indicated. If indicated, this notice constitutes a negative declaration and indicates that the Commission has concluded that an environmental impact statement is not warranted because there will be no significant effect on the quality of the human environment.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Impact Appraisals as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local public document rooms for the particular facilities involved. A

copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Alabama Power Company, Docket No. 50-364, Joseph M. Farley Nuclear Plant, Unit No. 2, Houston County, Alabama

Date of application for amendment: November 24, 1982, supplemented March 23, 1984.

Brief description of amendment: The amendment would add requirements to the Technical Specifications which the Commission required to be added after the first refueling outage. These additions include: (1) A tabulation of containment penetration overcurrent protection devices added per license condition 2.C.(19)(b), (2) changes to the containment ventilation system to reflect the newly installed 8-inch vent valves added per license condition 2.C.(17), and (3) a listing of safety-related mechanical snubbers added per Technical Specification Table 3.7-4b notation. Additionally for item (2) above, other non-substantive administrative changes were made to comply with long standing Commission guidance on the use of the containment ventilation system.

Date of issuance: May 17, 1984.

Effective date: May 17, 1984.

Amendment No.: 34.

Facility Operating License No. NPF-8: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: August 23, 1983 (48 FR 38384) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 17, 1984.

Significant hazards consideration comments received: No.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Alabama Power Company, Docket Nos. 50-348 and 50-364, Joseph M Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama.

Date of application for amendments: February 17, 1984, supplemented May 3, 1984.

Brief description of amendments: Modify Technical Specifications for the movable control rods to allow up to 36 hours for diagnosing and correcting electrical problems with more than one rod inoperable. All rods would be trippable.

Date of issuance: June 6, 1984.

Effective date: June 6, 1984.

Amendments Nos.: 44 and 35.

Facilities Operating License Nos. NPF-2 and NPF-8. Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: April 25, 1984 (49 FR 17851) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 6, 1984.

Significant hazards consideration comments received: No.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Alabama Power Company, Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama.

Date of application for amendments: December 30, 1982, supplemented March 2 and 27, 1984.

Brief description of amendments: Revise the two related parts of the Technical Specifications; one deletes the river water system specifications and the other modifies diesel generator testing. The NRC staff made minor non-substantive changes to the diesel tests which the licensee has agreed to as being acceptable non-substantive changes.

Date of issuance: June 7, 1984.

Effective date: June 7, 1984.

Amendments Nos.: 45 and 36.

Facilities Operating License Nos. NPF-2 and NPF-8: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: August 23, 1983 (48 FR 38384) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 7, 1984.

Significant hazards consideration comments received: No.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Baltimore Gas & Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of applications for amendments: January 27, 1984 and March 26, 1984.

Brief description of amendments: The amendments changed the Technical Specifications to (1) provide revised Limiting Conditions for Operation and Surveillance Requirements for the Hydrogen Purge Outlet Valves (MOV-6900 and MOV-6901) (Unit 2 only), (2) describe a revised range and location of the Wide Range Flux monitor for remote shutdown, (Unit 2 only), and (3) provide for revised reporting requirements (Units 1 and 2).

Date of issuance: June 6, 1984.

Effective date: June 6, 1984.

Amendment Nos.: 94 & 75.

Facility Operating License Nos. DPR-53 and DPR-69: Amendments revised the Technical Specifications.

Date of initial notices in Federal Register: April 25, 1984, 49 FR 17850 at 17854 (2 notices).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 6, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Carolina Power & Light Company,
Docket No. 50-324, Brunswick Steam Electric Plant, Unit 2, Brunswick County, North Carolina

Date of application for amendment: January 26, 1983.

Brief description of amendment: The amendment modifies the Technical Specifications to apply to new analog (continuous measuring) instrumentation that has been installed in Unit 2. The analog instrumentation replaces certain pressure switches and will provide improved performance of trip functions for reactor protection system actuation containment isolation, reactor core isolation cooling system isolation and emergency core cooling system actuation. In addition, miscellaneous typographical errors are corrected.

Date of issuance: May 22, 1984.

Effective date: May 22, 1984.

Amendment No.: 97.

Facility Operating License Nos. DPR-62. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: August 23, 1983 48 FR 38392. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 22, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Carolina Power & Light Company,
Docket Nos. 50-325 and 50-324,
Brunswick Stream Electric Plant, Unit Nos. 1 and 2, Brunswick County, North Carolina

Date of application for amendment: July 28, 1981, December 10, 1982 and December 29, 1983.

Brief description of amendment: The amendments consist of changes to the licenses and Technical Specifications regarding the CP&L's management

organization structure and reporting requirements.

Date of issuance: May 25, 1984.

Effective date: May 25, 1984.

Amendment Nos.: 70 and 98.

Facility Operating License Nos.: DPR-71 and DPR-62 Amendment revised the license and Technical Specifications.

Date of initial notice in Federal Register: October 26, 1983, 48 FR 49575 and April 25, 1984, 49 FR 17856.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 25, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Carolina Power & Light Company,
Docket No. 50-325, Brunswick Steam Electric Plant, Unit 1, Brunswick County, North Carolina

Date of application for amendment: January 31, 1984, as supplemented February 29, 1984.

Brief description of amendment: The amendment corrects the fuel enrichment number in the description of the fuel assemblies in the Design Features section of the Technical Specifications and revises Section 5.3.1 of the Technical Specifications to conform to the Standard Technical Specifications.

Date of issuance: June 5, 1984.

Effective date: June 5, 1984.

Amendment No.: 71.

Facility Operating License Nos. DPR-62. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 25, 1984 (49 FR 17856).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 5, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Carolina Power and Light Company,
Docket No. 50-261, H. B. Robinson Steam Electric Plant, Unit No. 2

Date of application for amendment: October 25, 1983, as supplemented March 5, 1984.

Brief description of amendment: The amendment revises Section 3.F Physical Security of Operating License, DPR-23 by temporarily relaxing security measures. A related exemption from the requirements of 10 CFR 50.54(f) has also been granted by the NRC on May 17, 1984.

Date of issuance: May 15, 1984.

Effective date: May 15, 1984.

Amendment No.: 80.

Facility Operating License No. DPR-23: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 6, 1984 (49 FR 13775).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 15, 1984.

Significant hazards consideration comments received: No.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Commonwealth Edison Company,
Docket Nos. 50-254 and 50-265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendment: April 25, 1983.

Brief description of amendment: The amendments incorporate Technical Specification provisions which specify the time-delay settings for high steam flow for the high pressure coolant injection (HPCI) and reactor core isolation cooling (RCIC) systems for these units, and are designed to prevent inadvertent isolation of these systems.

Date of issuance: June 6, 1984.

Effective date: June 6, 1984.

Amendment Nos.: 88 and 83.

Facility Operating License Nos. DPR-29 and DPR-30: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: December 21, 1983 (48 FR 56500).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 6, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Moline Public Library, 504—17th Street, Moline, Illinois 61265.

Connecticut Yankee Atomic Power Company,
Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut

Date of Amendment request: March 30, 1984, supplemented May 4, 1984.

Brief description of amendment: The amendment would reduce the allowable peak linear heat generation rate and narrow the current axial offset tent during the planned coastdown at the end of the Haddam Neck Cycle 12 full-power core life.

Date of issuance: May 18, 1984.

Effective date: May 18, 1984.

Amendment No.: 58.

Facility Operating License No. DPR-61: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 17, 1984 (49 FR 15170).

The Commission's related evaluation of the amendment is contained in its letter of transmittal dated May 18, 1984. No public State or comments were received with respect to the Commission's proposed determination that the amendment would not involve a significant hazards consideration.

Local Public Document Room location: Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

Consolidated Edison Company of New York, Docket Nos. 50-3 and 50-247, Indian Point Nuclear Generating Unit Nos. 1 and 2, Westchester County, New York

Date of application for amendments: February 1, 1983.

Brief description of amendments: These amendments change the Radiological Effluent Technical Specifications to assure compliance with Appendix I of 10 CFR Part 50. They provide new Technical Specification sections defining limiting conditions of Operation and Surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose, radiological environmental monitoring and an interlaboratory comparison program.

Date of issuance: June 6, 1984.

Effective date: On issuance, to be implemented by July 1, 1984.

Amendment Nos.: 32 and 90.

Facility Operating License Nos. DPR-5 and DPR-26: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: August 23, 1983 (48 FR 38396) for Unit 2 and February 3, 1984 (49 FR 4443) for Unit No. 1.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 6, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Consumers Power Company, Docket No. 50-155, Big Rock Point Plant, Charlevoix, Michigan

Date of application for amendment: December 20, 1982, as revised May 10, 1984.

Brief description of amendment: The amendment approves Technical Specification changes which replace the

core operating limits based on Minimum Critical Heat Flux Ratio (MCHFR) with limits based on Minimum Critical Power Ratio (MCPR).

Date of issuance: May 18, 1984.

Effective date: May 18, 1984.

Amendment No.: 69

Facility Operating License No. DPR-6: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 6, 1983 (48 FR 31122) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 18, 1984. No public or State comments were received with respect to the Commission's proposed determination that the amendment would not involve a significant hazards consideration.

Local Public Document Room location: Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Consumers Power Company Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: August 30, 1982 as supplemented November 5, 1982.

Brief description of amendment: The amendment approves Technical Specification changes which modify the operability and testing requirements for the control room and fuel building ventilation filters and replaces the requirement for containment purge filters with a requirement for hydrogen recombiners.

Date of issuance: May 22, 1984.

Effective date: May 22, 1984.

Amendment No.: 81

Provisional Operating License No. DPR-20: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 22, 1983 (48 FR 52810). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 22, 1984. No comments were received with respect to the Commission's proposed determination that the amendment would not involve a significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Duke Power Company, Dockets Nos. 50-269, 50-270, and 50-287, Oconee Nuclear Station, Units Nos. 1, 2 and 3, Oconee County, South Carolina

Date of application for amendment: February 13, 1984.

Brief description of amendment: These amendments revise the Oconee

Nuclear Station Technical Specifications (TSs) to support the operation of Oconee Unit 3 at full rated power during Cycle 8. These amendments also included figure and page renumbering changes.

Date of issuance: May 15, 1984.

Effective date: May 15, 1984.

Amendment Nos.: 129, 129, 126.

Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55.

Date of initial notice in Federal Register: March 22, 1984, (49 FR 10733).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 15, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina.

Florida Power and Light Company, Docket No. 50-335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of application for amendment: January 10, 1984.

Brief description of amendment: The amendment changes the Technical Specifications to delete the radiological technical specifications in Appendix B (Appendix B, Part 1).

Date of issuance: May 17, 1984.

Effective date: May 17, 1984.

Amendment No.: 67.

Facility Operating License No. DPR-67: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: March 22, 1984 (49 FR 10 730 at 10735).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 17, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida.

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: January 30, 1984, as supplemented on March 20, 1984.

Brief description of amendment: This change raised the Technical Specification upper limit on steam generator secondary water level during modes 1, 2 and 3 of operation from 360 inches to approximately 380 inches.

Date of issuance: May 25, 1984.

Effective date: May 25, 1984.

Amendment No.: 68.

Facility Operating License No. DPR-72: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 25, 1984, 49 FR 17859 The Commission's related evaluation is contained in a Safety Evaluation dated May 25, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room
Location: Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida.

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of application for amendment: April 21, 1982.

Brief description of amendment: This amendment changes Section 4.4.1.2 of the Technical Specifications regarding local leakage rate testing of containment isolation valves and resilient seals in penetrations. The amendment adds several valves to the Type C testing program and deletes other valves. The amendment also includes editorial changes.

Date of issuance: May 18, 1984.

Effective date: May 18, 1984.

Amendment No.: 93.

Facility Operating License No. DPR-50: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 22, 1983, 48 FR 52816

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 18, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room
Location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of application for amendment: March 9, 1983.

Brief description of amendment: This amendment revises Technical Specification Table 3.16.1 by adding four new snubbers that were installed in the plant as a result of either restart piping modifications or system upgrading in response to NRC IE Bulletin 79-14. Also, three snubbers that are no longer required have been removed from the Table.

Date of issuance: May 22, 1984.

Effective date: Within 30 days after its date of issuance.

Amendment No.: 94.

Facility Operating License No. DPR-50: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 21, 1983, 48 FR 33380.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 22, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room
Location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of application for amendment: April 24, 1981.

Brief description of amendment: This amendment makes four changes in the Technical Specifications, all of an administrative nature:

1. Specification 4.11, "Site Environmental Radioactivity Survey" was deleted. This specification referred to Section 6.4 of Appendix B which no longer exists.

2. An erroneous time in Technical Specification 4.8.2 was corrected to less than 120 seconds.

3. A footnote was added to Table 4.1.3 to allow relied from boron concentration sampling of the Boric Acid Mix Tank or the Reclaimed Boric Acid Tanks when the tanks are empty.

4. Specification 4.4.2.1.1, "Containment Tendons" was rewritten to reflect that the five-year tendon surveillance also was performed per Regulatory Guide 1.35, Rev. 1.

Date of issuance: May 25, 1984.

Effective date: May 25, 1984.

Amendment No.: 95.

Facility Operating License No. DPR-50: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 22, 1983, 48 FR 52815.

The Commission's related evaluation of the amendment is contained in a letter to GPU Nuclear Corporation dated May 25, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room
Location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: March 5, 1984.

Brief description of amendment: This amendment revises the Technical Specifications to incorporate additional Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) operating limits beyond the planar average fuel exposure of 30,000 Megawatt days per ton (MWD/T).

Date of issuance: May 14, 1984.

Effective date: May 14, 1984.

Amendment No.: 98.

Facility Operating License No. DPR-49: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 12, 1984, 49 FR 14604.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 14, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room
Location: Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa.

Date of application for amendment: January 27, 1984.

Brief description of amendment: This amendment revises the Technical Specifications to incorporate the minimum staffing requirements pursuant to the requirements of 10 CFR 50.54(m)(2). Other Technical Specification changes requested in the January 27, 1984 submittal are being handled as separate actions.

Date of issuance: May 22, 1984.

Effective date: May 22, 1984.

Amendment No.: 99.

Facility Operating License No. DPR-49: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: March 22, 1984, 49 FR 107365.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 22, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room
Location: Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa.

Date of application for amendment: June 10, 1984.

Brief description of amendment: This amendment revise the Technical Specifications to limit the containment purging (or venting) to a minimum and enhance the containment leakage integrity.

Date of issuance: May 22, 1984.

Effective date: May 22, 1984.

Amendment No.: 100.

Facility Operating License No. DPR-49: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: January 26, 1984, 49 FR 3349.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 22, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

location: Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa.

Date of application for amendment: January 26, 1984.

Brief description of amendment: The amendment revises the Technical Specification to incorporate the change in testing frequency of Scram Discharge Volume (SDV) vent and drain valves as a result of completion of the long-term SDV modifications.

Date of issuance: June 1, 1984.

Effective date: June 1, 1984.

Amendment No.: 101.

Facility Operating License No. DPR-49: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 25, 1984, 49 FR 17864.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 1, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

location: Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: January 27, 1984.

Brief description of amendment: This amendment modified the Maine Yankee Technical Specifications to reflect changes made to the auxiliary feedwater isolation system.

Date of issuance: May 23, 1984.

Effective date: May 23, 1984.

Amendment No.: 76.

Facility Operating License No. DPR-36: amendment revised the Technical Specifications.

Date of initial notice in Federal Register: March 22, 1984 (49 FR 10737).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 23, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: April 8, 1983.

Brief description of amendment: This amendment modified the Maine Yankee Technical Specifications concerning administrative controls. It also added a new specification regarding safety limits to Section 2.0.

Date of issuance: May 30, 1984.

Effective date: May 30, 1984.

Amendment No.: 77.

Facility Operating License No. DPR-36: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: August 23, 1983, 48 FR 38382 at 38407.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of application for amendment: February 14, 1984.

Brief Description of amendment: The amendment revises the Technical Specifications to incorporate administrative changes to ensure compliance with new regulations related to licensee event reporting requirements contained in § 50.73 of Table 10 of the Code of Federal Regulations.

Date of issuance: June 1, 1984.

Effective date: June 1, 1984.

Amendments No.: 86.

Facility Operating License Nos. DPR-62: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 25, 1984, 49 FR 17865.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 1, 1984.

No significant hazards consideration comments received.

Local Public Document Room

location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Attorney for licensee: Mr. G. D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

NRC Branch Chief: Domenic B. Vassallo.

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of application for amendment: January 13, 1984.

Brief Description of amendment: The revision to the Technical Specifications adds Limiting Conditions for Operation, surveillance requirements and changes to the bases for the Reactor Protection System at the facility.

Date of issuance: May 24, 1984.

Effective date: May 24, 1984.

Amendment No.: 62.

Facility Operating License No. DPR-63: Amendment revised the Technical Specification.

Date of initial notice in Federal Register: March 22, 1984, 49 FR 10738.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 24, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Northeast Nuclear Energy Company, et al., Docket No. 50245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of application for amendment: January 29, 1981 as supplemented by November 1, 1983, and January 30, 1984. Note that the January 30, 1984 supplement does not change substantially the earlier submittals.

Brief description of amendment: The amendment approves changes to the provisions of the Appendix A Technical Specifications pertaining to the definition of "OPERABLE", and requirements for operable emergency core spray systems and reactor coolant system leakage monitors.

Date of Issuance: May 23, 1984.

Effective date: May 23, 1984.

Amendment No.: 97

Provisional Operating License No. DPR21: The amendment revised the Technical Specifications.

Dates of initial notices in Federal Register: October 26, 1983 (48 FR 49589) and January 26, 1984 (49 FR 3349).

The Commission's related evaluation of this action is contained in its Safety Evaluation dated May 23, 1984. No public or State comments were received with respect to the Commission's proposed determination that the requested action would involve a no significant hazards consideration determination.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06358.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, Town of Waterford, Connecticut

Date of application for amendment: October 22, 1982.

Brief description of amendment: This amendment modified the Technical Specifications as follows: (1) Allows operation with one inoperable position indicator per control element assembly group; (2) Expands the allowable volume band for the safety injection tanks; and (3) Revises and modifies certain portions of the requirements for containment integrity.

Date of Issuance: May 16, 1984.

Effective date: May 16, 1984.

Amendment No.: 95

Provisional Operating License No.

DPR-65: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: August 23, 1983 (48 FR 38382 at 38411).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 16, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Waterford, Connecticut.

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of application for amendment: November 18, 1983.

Brief description of amendment: The amendment incorporated administrative changes which achieve agreement between the Fort Calhoun Station Technical Specifications and new regulations which became effective on January 1, 1984. Specifically, 10 CFR 50.54 (m)(2) and (m)(3) became effective and paragraph (m) of 10 CFR 50.54 was redesignated paragraph (m)(1) on January 1, 1984. These paragraphs address licensed operator staffing at nuclear power units. This rule change

affects the current technical specifications in the area of shift manning. The amendment also changed to whom the Quality Control (QC) personnel report. The change permits the QC personnel to report to the Technical Supervisor.

Date of Issuance: May 16, 1984.

Effective date: May 16, 1984.

Amendment No.: 78.

Provisional Operating License No.

DPR-40: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: January 26, 1984 (49 FR 3344 at 3350).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 16, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of application for amendment: October 3, 1983.

Brief description of amendment: The amendment provided an up-to-date identification of the accessibility of safety-related system hydraulic snubbers (Table 2-6(a)).

Date of Issuance: May 23, 1984.

Effective date: May 23, 1984.

Amendment No.: 79.

Facility Operating License No. DPR-40: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 22, 1983 (48 FR 52819).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 23, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Pennsylvania Power and Light Company, Docket No. 50-387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of applications for amendment: June 27, 1983 and December 9, 1983.

Brief description of amendment: This amendment incorporates Changes N, O, and P to the Physical Security Plan and Changes A and B to the Security Training and Qualification Plan into License Condition 2.D. This amendment also deletes License Condition

2.C.(28)(b), Special Low Power Testing and Training.

Date of issuance: May 14, 1984.

Effective date: May 14, 1984.

Amendment No.: 22.

Facility Operating License No. 14: Amendment revised License Conditions.

Date of initial notice in Federal Register: August 22, 1983 (38122-38123) and February 24, 1984 (7039-7040) respectively.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated.

No significant hazards consideration comments received: No.

Local Public Document Room

location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power & Light Company, Docket No. 50-387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of applications for amendment: October 11, 1983; October 24, 1983; and November 4, 1983.

Brief description of amendment: This amendment changes the requirements of Technical Specification 4.7.4.a regarding inservice visual inspection of snubbers, changes Technical Specification 4.7.1.3 to modify the requirements for determining the spray pond OPERABLE, and changes Technical Specification Tables 3.3.2-1 and 3.6.3-1 to correct errors of an administrative nature.

Date of issuance: May 23, 1984.

Effective date: May 23, 1984.

Amendment No.: 23.

Facility Operating License No. 14: Amendment revised Technical Specifications.

Date of initial notice in the Federal Register: December 21, 1983 (56508); January 26, 1984 (3351); and November 29, 1983 (53770-53771) respectively.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 23, 1984.

No significant hazards consideration comments received: None.

Local Public Document Room

location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: October 28, 1982.

Brief description of amendment: The amendment revises the Technical

Specifications to clarify and provide consistent wording to the surveillance requirements and permits non-sequential testing of the fire pumps consistent with the plant design basis.

Date of issuance: May 22, 1984.

Effective date: May 22, 1984.

Amendment No.: 80.

Facility Operating License No. DPR-59: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 20, 1983, 48 FR 33085.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 22, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

location: Penfield Library, State University College of Oswego, Oswego, New York.

Power Authority of the State of New York, Docket No. 50-286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of application for amendment: January 6, 1984.

Brief description of amendment: Modifies license to reflect revised security plan.

Date of issuance: May 25, 1984.

Effective date: May 25, 1984.

Amendment No.: 49.

Facilities Operating License No. DPR-64: Amendment revised the license.

Date of initial notice in Federal

Register: March 22, 1984 (49 FR 10743).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 25, 1984.

Significant hazards consideration comments received: No.

Local Public Document Room

location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Public Service Company of Colorado, Docket No. 50-267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of application for amendment: March 6, 1984.

Brief description of amendment: The amendment revises the Administrative Controls Technical Specifications reporting requirements to be consistent with recently revised regulations (10 CFR 50.72 and 73).

Date of issuance: June 4, 1984.

Effective date: June 4, 1984.

Amendment No.: 42.

Facility Operating License No. DPR-34: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 25, 1984 (49 FR 17870).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 4, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Public Service Company of Colorado, Docket No. 50-267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of application for amendment: March 14, 1984.

Brief description of amendment: The amendment revises the Technical Specifications to: (1) Clarify the actions to be taken when various instruments are inoperable; (2) correct typographical and reference errors; (3) allow flexibility in the required moisture monitoring instrumentation at low levels; and (4) allow the use of previously approved compensatory procedures during maintenance on the moisture monitors.

Date of issuance: June 5, 1984.

Effective date: June 5, 1984.

Amendment No.: 43.

Facility Operating License No. DPR-34: Amendment revised the Technical Specifications.

Date of initial notice in Federal

Register: April 25, 1984 (49 FR 17871).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 5, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Southern California Edison Company, Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of application for amendment: September 9, 1983.

Brief description of amendment: The amendment approves Technical Specification changes which modify containment leakage testing provisions for Type A tests (Integrated Leak Rate Tests).

Date of issuance: June 4, 1984.

Effective date: June 4, 1984.

Amendment No.: 75.

Provisional Operating License No. DPR-13: Amendment revised the Technical Specifications.

Date of initial notice in Federal

Register: November 22, 1983 (48 FR 52827).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 4, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Southern California Edison Company, Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of application for amendment: December 5, 1983.

Brief description of amendment: The amendment approves changes to Appendix B (Environmental) Technical Specifications which incorporate corrections to Sections 1.0 and 5.0 These changes delete nonradiological water quality items for consistency with Amendment No. 67 issued on March 11, 1983 and correct editorial errors.

Date of issuance: June 4, 1984.

Effective date: June 4, 1984.

Amendment No.: 76.

Provisional Operating License No. DPR-13: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 25, 1984 (49 FR 17873).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 4, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Southern California Edison Company, et al. Docket No. 50-362, San Onofre Nuclear Generating Station, Unit 3, San Diego County, California

Date of application for amendment: January 25, July 14 and September 23, 1983.

Brief description of amendments: Modifies Technical Specification to (1) delete a description of the specific methodology used to calculate the minimum Departure from Nucleate Boiling Ratio (DNBR) trip setpoint from the safety system settings and (2) add a description of the specific methodology used to calculate the minimum DNBR trip setpoint from the safety system settings.

Date of issuance: May 18, 1984.

Effective date: May 18, 1984.

Amendment No.: 11.

Facility Operating License No. NPF-15: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: December 21, 1983 (48 FR 56460).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 18, 1984.

No significant hazards consideration comments received.

Local Public Document Room

Location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, Limestone County, Alabama

Date of application for amendment: June 20, 1983 and November 28, 1983, as superseded March 22, 1984.

Brief description of amendment: These amendments change Section 6.0 of the Technical Specifications to modify the reporting requirements to incorporate the new 10 CFR 50.73 and TMI Item ILK.3.3.

Date of issuance: May 30, 1984.

Effective date: May 30, 1984.

Amendment Nos.: 99, 93 and 66.

Facility Operating License Nos. DPR-33, DPR-52 and DPR-68: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: November 22, 1983, 48 FR 52835 and February 24, 1984, 49 FR 7045.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

Location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, Limestone County, Alabama

Date of application for amendment: December 17, 1982.

Brief description of amendment: The amendments change the Technical Specifications to (1) Clarify the definition of "channel" to indicate that a channel may have more than one sensor; (2) Clarify requirements for rod block instrumentation operability; (3) Designate main steam line drain header instrument isolation valves as "normally open"; (4) Add new "suppression chamber access hatch, X-233" to the table of "Testable Penetrations with Double O-Ring Seals", and (5) Revise the Site Radiological Emergency Plan audit frequency for consistency with 10 CFR 50.54(f).

Date of issuance: June 11, 1984.

Effective date: June 11, 1984.

Amendment Nos.: 100, 94 and 67.

Facility Operating License Nos. DPR-33, DPR-52 and DPR-68: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: December 21, 1983, 48 FR 56511.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 11, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

Location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: February 22, 1983 (Item 2), as revised by letter dated October 11, 1983.

Brief Description of amendment: The amendment modifies Technical Specifications paragraphs 4.1.2.1 and 4.1.2.2 to eliminate surveillance requirements on heat traced sections of piping in the boric acid addition piping when transferring solutions with boric acid concentration less than 5000 ppmB. The amendment also modifies Technical Specification paragraphs 3.1.2.8 and 3.1.2.9 to delete a redundant requirement for heating tracing operability.

Date of issuance: May 22, 1984.

Effective date: May 22, 1984.

Amendment No.: 67.

Facility Operating License No. NPF-3: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: December 21, 1983, 48 FR 56513.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 22, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

Location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: November 21, 1983 (Item 2).

Brief description of amendment: The amendment modifies Technical Specification Table 3.3-10, "Post Accident Monitoring Instrumentation," to specify that the minimum channels of Auxiliary Feedwater Flow Rate required to be operable is two per steam generator.

Date of issuance: May 30, 1984.

Effective date: May 30, 1984.

Amendment No.: 68.

Facility Operating License No. NPF-3: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 25, 1984, 49 FR 17875.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

Location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Virginia Electric and Power Company et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: September 16, 1983.

Brief description of amendments: The amendments revise the NA-1&2 TS 3/4.7.4, 3/4.7.12 and 3/4.7.13. TS 3/4.7.4 has been revised to terminate the requirement to measure the turbidity and suspended solids in the outflow from the drain system under the service water pumphouse. TS 3/4.7.12 has been revised to decrease the frequency of settlement monitoring to once per 6 months at the service water pumphouse. TS 3/4.7.13 has been revised to decrease the frequency of monitoring of the piezometers and provide a consistent uniform six month monitoring frequency for all groundwater levels and flow measurements. The changes also remove the action item requiring a five year summary report.

Date of issuance: May 23, 1984.

Effective date: Within 30 days after the date of issuance.

Amendment Nos.: 57 & 39.

Facility Operating License Nos. NPF-4 and NPF-7: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: November 11, 1983 (48 FR 52804 at 52839).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 23, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room

Location: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Virginia Electric and Power Company,
Docket Nos. 50-338 and 50-339, North
Anna Power Station, Units No. 1 and No.
2, Louisa County, Virginia

Date of application for amendments:
March 15, 1984.

Brief description of amendments: The amendments revised the NA-1&2 TS 3.4.10.2.a, 3.4.10.2.b and 3.4.10.2.c for Limiting Conditions of Operation; TS 4.4.10.2.1 and 4.4.10.2.2 for Surveillance Requirements; and TS Bases 3.4.10.2. These revisions deleted the requirements for minimum and maximum temperature limits for A36 and A572 beams in the steam generator supports and delete verification requirements for determination of beam temperatures. The inservice inspection requirements for beam inspection on a 40 month basis will continue to provide a reasonable degree of assurance for the integrity of the support structure.

Date of issuance: June 7, 1984.

Effective date: June 7, 1984.

Amendment Nos.: 58 and 40.

Facility Operating License Nos. NPF-4 and NPF-7: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: April 25, 1984 (49 FR 17850 at 17877).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 7, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Yankee Atomic Electric Company,
Docket No. 50-29, Yankee Nuclear
Power Station, Franklin County,
Massachusetts

Date of application for amendment:
February 21, 1984 as supplemented May 9, and May 17, 1984.

Brief description of amendment: The proposed Technical Specification (TS) changes would revise cycle dependent parameters in support of Core XVII operations following refueling. The proposed change revises requirements for shutdown margin, automatic reactor trip, and peak linear heat rate. The proposed change would also increase the allowable enrichment of the fuel from 3.5 to 3.7 weight percent U-235.

Date of issuance: June 5, 1984.

Effective date: June 5, 1984.

Amendment No.: 82.

Facility Operating License No. DPR-3: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 25, 1984 (49 FR 17879).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 5, 1984. No comments were received.

Local Public Document Room location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION

During the 30-day period since publication of the last monthly notice, individual notices of issuance of amendments have been issued for the facilities as listed below. These notices were previously published as separate individual notices. They are repeated

here because this monthly notice lists all amendments that have been issued for which the Commission has made a final determination that an amendment involves no significant hazards consideration.

In this case, a prior Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing was issued, a hearing was requested, and the amendment was issued before any hearing because the Commission made a final determination that the amendment involves no significant hazards consideration.

Details are contained in the individual notice as cited.

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of application for amendment:
May 9, 1983.

Brief Description of amendment: The amendment revises the Technical Specifications to permit the steam generators to be declared operable for pre-critical hot functional testing using pump heat (non-nuclear), thereby permitting such testing.

Date of issuance: April 9, 1984.

Effective date: April 9, 1984.

Amendment No.: 91.

Facility Operating License No. DPR-50.

Date of initial notice in Federal Register: April 24, 1984, 49 FR 17628.

Dated at Bethesda, Maryland this 12th day of June 1984.

For the Nuclear Regulatory Commission.

James R. Miller,
Chief, Operating Reactor Branch No. 3,
Division of Licensing.

[FR Doc. 84-16343 Filed 6-19-84; 8:45 am]

BILLING CODE 7590-01-M

THE
OFFICE OF THE
SHERIFF
OF THE
COUNTY OF
SHERBURN
VIRGINIA
NOTICE OF SALE
FOR THE
PURPOSE OF
SALVING
THE
PROPERTY
OF
THE
ESTATE
OF
JAMES
M. HARRIS
DECEASED
BY
THE
SHERIFF
OF THE
COUNTY
OF
SHERBURN
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AT
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THURSDAY
THE
10TH
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JANUARY
1875
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VIRGINIA

Register

Wednesday
June 20, 1984

Part IV

Department of Housing and Urban Development

**Office of the Assistant Secretary for
Housing—Federal Housing Commissioner**

**Housing Development Grant Program;
List of Designated Eligible Areas; Notices**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-84-1401; FR-2006]

Housing Development Grant Program

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Invitation for applications.

SUMMARY: This Notice invites cities, urban counties and States acting on behalf of units of general local government to submit applications for grants under HUD's new Housing Development Grant Program. The Grant funds awarded under the program will be used to support the construction or substantial rehabilitation of residential rental, cooperative or mutual housing in which at least 20 percent of the units will be occupied by lower income families.

EFFECTIVE DATE: June 20, 1984.

FOR FURTHER INFORMATION CONTACT: Frank D. Brown, Acting Director, Development Grants Division, Room 6110, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 755-6142 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The statutory authority for the Housing Development Grant Program is provided by Section 17 of the U.S. Housing Act of 1937. Section 17 was added to the U.S. Housing Act of 1937 by Section 301 of the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98-181) which was enacted on November 30, 1983. On June 14, 1984, HUD published interim implementing regulations for the new program (see 49 FR 24634). The interim regulations will be effective on August 7, 1984. This Invitation for Applications (IFA) is being issued in advance of the effective date of the regulations in order to allow sufficient time for applicants to prepare Housing Development Grant applications.

Program Funds

HUD has been authorized to provide \$200 million in Housing Development Grant funds during Fiscal Year 1984, and an additional \$115 million during Fiscal Year 1985. HUD estimates that the \$200 million in Fiscal Year 1984 grant authority will be adequate to fund applications for between 8,000 and 10,000 units of rental, cooperative or mutual housing. HUD may base Fiscal Year 1985 funding decisions on

applications submitted pursuant to this IFA.

Nature of and Limits on Program Assistance

Under the Housing Development Grant Program, HUD provides grants to cities, urban counties and States acting on behalf of units of general local government. These grantees, in turn, use the grant funds to provide grants, loans, interest reduction payments, rental assistance payments, or other forms of assistance to promote the construction or substantial rehabilitation of residential rental, cooperative or mutual housing.

The maximum grant that may be approved for a project is limited to an amount sufficient to produce decent rental housing of modest design that is affordable by families and individuals without other reasonable and affordable housing alternatives in the private market. Grant assistance may not exceed 50 percent of the total costs associated with the rehabilitation or construction of the project, normally *excluding* the cost of acquisition, debt service and operating deficit reserves, working capital, sponsor profit and risk allowance, and relocation costs in excess of an amount that HUD determines to be reasonable. Under certain limited circumstances, HUD may permit the cost of acquisition to be included in the base amount to which the 50 percent limitation is applied. The program regulations and the application packet to be distributed to prospective applicants provide guidance on the circumstances under which the inclusion of acquisition cost may be permitted.

Eligible Applicants/Grantees

Only cities, urban counties, and States acting on behalf of, and with the concurrence of, units of general local government are eligible to apply for and receive grant assistance under the Housing Development Grant Program. For purposes of qualifying as an eligible applicant under this program, "city" means a unit of general local government that is classified as a "city" for purposes of the Community Development Block Grant (CDBG) Program (see Section 102(a)(5) of the Housing and Community Development Act of 1974 and 24 CFR 570.3(e)). Similarly, a county that qualifies as an "urban county" under the CDBG Program (see Section 102(a)(6) of the Housing and Community Development Act of 1974, as amended by Section 102(b) of the Housing and Urban-Rural Recovery Act of 1983), will be an eligible applicant under this program. Entities which qualify as "States" under this

program are: any State of the United States; the Commonwealth of Puerto Rico; the territories and possessions of the United States; the Trust Territory of the Pacific Islands; and Indian tribes, bands, groups and nations of the United States, including Alaska Indians, Aleuts and Eskimos. "Unit of general local government" means any city, county, town, township, parish, village or other general purpose political subdivision of a State.

It should be noted that although the territories and possessions of the United States, the Trust Territory of the Pacific Islands, and Indian tribes, bands, groups and nations qualify as States under the Housing Development Grant Program, they still must establish that they are acting on behalf of, and with the concurrence of, a unit of general local government to be eligible to apply for grant assistance. This requirement, which stems directly from Section 17(e)(3) of the U.S. Housing Act of 1937, may effectively bar most of these entities from participating in the Housing Development Grant Program.

Eligible Types of Applications

There are basically three types of applications eligible for submission under this program:

(1) *Eligible Area Application*—This is an application for a project located in an area determined by HUD, on the basis of statutorily prescribed factors, to be experiencing a severe shortage of decent rental housing opportunities for families and individuals without other reasonable and affordable alternatives in the private market. HUD's list of designated eligible areas (i.e., cities, urban counties and other units of local government) is published elsewhere in today's issue of the *Federal Register*.

(2) *Special Need Application*—This is an application for a project that is not located in a designated eligible area, but is intended to meet a special housing need that cannot be met through the moderate rehabilitation of housing stock located in the project neighborhood. A special need application must address either a special renter group need (e.g., need for housing to accommodate large families), or a special need resulting from a rapid change or other dislocation in the housing market that has occurred since the taking of the 1980 Census (e.g., need resulting from rapid population growth).

(3) *Neighborhood Preservation Purpose Application*—This is an application for a project that is not located in a designated eligible area, but is intended to be advanced through moderate rehabilitation of housing stock

located in the project neighborhood. The proposed project must be located in a neighborhood preservation area in which concentrated housing, physical development, and public service activities are being carried out in a coordinated manner pursuant to a locally developed strategy for neighborhood improvement, conservation, or preservation.

Project Eligibility

To be eligible for assistance under the Housing Development Grant Program, a project must involve new construction or substantial rehabilitation. For purposes of this program, "substantial rehabilitation" is defined as repairs, replacements and improvements, (a) the cost of which exceeds the greater of 15 percent of the property's value after rehabilitation or \$6,500 per dwelling unit (adjusted by an appropriate HUD mortgage insurance high cost factor), or (b) which entail the replacement of more than one major building component (e.g., roof structure; ceiling, wall or floor structures; plumbing system; or electrical system).

Projects must be designed primarily for non-transient, residential rental use. Generally, not more than 10 percent of the gross floor area of a project may be utilized for commercial purposes. (HUD may approve commercial space of up to 20 percent of the gross floor area if special conditions warrant exceeding the 10 percent limit.) Cooperative and mutual housing projects are eligible under this program, but must be controlled to assure the continued availability and affordability of at least 20 percent of the units to lower income households.

The units comprising a project must be similarly constructed; i.e., units must be of similar type and quality of construction, but need not contain the same number of rooms or floor space.

The estimated value of a project after construction or substantial rehabilitation may not exceed the amount of mortgage that could be insured for the project under Section 207 of the National Housing Act based on the sum of the statutory per-unit limits (adjusted by the appropriate supportable local high-cost factor) and an allowance determined by HUD for costs not attributable to dwelling use (including costs for commercial space).

Projects currently assisted (or for which assistance is anticipated) under any other Federal housing assistance program or which were formerly owned by HUD, are ineligible for assistance under this program.

Minimum and Maximum Project Size Limitations

Applications may not be submitted in response to this IFA for projects containing fewer than 20 or more than 300 dwelling units.

Applicability of Gautreaux Consent Decree

Applications for projects to be developed within the Chicago, Illinois SMSA must comply with all applicable requirements of the Gautreaux Consent Decree. For further information on such requirements, prospective applicants should contact the HUD Chicago Regional Office (Attention: Ms. Mary Anderson) by calling (312) 353-6816. (This is not a toll-free number.)

Other Program Requirements

The following are additional requirements of the Housing Development Grant Program which are not mentioned elsewhere in this Notice:

(1) *Lower Income Units.* At least 20 percent of the units in any project assisted under the Housing Development Grant Program must be occupied, or available for occupancy, by lower income households (i.e., families or individuals whose incomes do not exceed 80 percent of the area median income, with adjustments, determined by HUD) during the period beginning when the project is initially available for occupancy and ending 20 years from the date on which 50 percent of the project units are first occupied. Owners must reexamine the income of each household occupying a lower income unit at least once a year.

(2) *Lower Income Unit Rents.* Rents (including utilities) charged for the units designated for lower income occupancy may not exceed 30 percent of the adjusted income for a family whose income equals 50 percent of the area median income, as determined, by HUD, with adjustments for smaller and larger families. HUD will provide the median income data and standard income adjustments to be used by owners in establishing the maximum rents for lower income units.

(3) *Restriction on Conversions.* During the 20-year period starting when the project is initially available for occupancy, owners may not convert units to condominium ownership or any form of cooperative ownership which would be ineligible for assistance under the Housing Development Grant Program.

(4) *Marketing and Tenant Selection.* In renting units, owners may not discriminate against prospective tenants due to their eligibility for, or receipt of,

housing assistance under any Federal, State or local housing assistance program, or because they have children (unless the units are in a project designated for occupancy only by the elderly). An owner must have a HUD-approved Affirmative Fair Housing Marketing Plan and must carry out all marketing activities in accordance with HUD's Affirmative Fair Housing Marketing Regulations at 24 CFR part 200.

(5) *Displacement/Relocation.* A project may not be assisted under the Housing Development Grant Program if its development will cause the involuntary displacement of very low-income households from the project site by households which are not very low-income. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and HUD's implementing regulations (24 CFR Part 42) apply to any displacement resulting from acquisition by a State agency, as defined in 24 CFR 42.85. In any case where there will be project-related displacement or relocation and the Uniform Act is not applicable, the following requirements apply:

(a) The applicant (grantee) must have a written tenant assistance policy;

(b) No tenant may be required to move permanently unless provided adequate advance written notice and appropriate advisory services;

(c) Lower income tenants required to move permanently must receive adequate advance notice, appropriate advisory services, and financial assistance sufficient to obtain decent, safe, sanitary, and affordable replacement housing;

(d) Lower income tenants required to move temporarily must be provided with: Decent, safe and sanitary temporary housing; financial assistance to cover reasonable moving expenses and any increase in monthly housing costs during the temporary relocation period; and an opportunity to occupy a unit in the newly constructed or substantially rehabilitated project at an affordable rent.

(6) *Construction and Design Standards.* The HUD Multifamily Minimum Property Standards will not apply to projects under the Housing Development Grant Program unless they are HUD-insured. All projects must, however, meet applicable State and local building codes.

(7) *Environmental Standards.* Projects are subject to Section 104(f) of the Housing and Community Development Act of 1974, the National Environmental Policy Act of 1969, and will be subject to HUD's implementing regulations at 24

CFR Part 58 which will become effective July 31. Under this program, the applicant/grantee, *not* HUD, is responsible for performing an environmental assessment of the proposed project in accordance with the requirements of 24 CFR Part 58. Certifications of compliance may not be submitted prior to the effective date of the regulation but must be submitted prior to the deadline for submission of applications.

(8) *Labor Standards.* Projects consisting of 12 or more units are subject to the prevailing wage requirements of the Davis-Bacon Act and the provisions of the Contract Work Hours and Safety Standards Act.

(9) *HAP Consistency.* A proposed project must be consistent with any applicable local Housing Assistance Plan approved by HUD.

(10) *OMB Circulars.* The policies, guidelines and requirements of OMB Circular Numbers A-102 Revised (Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments) and A-122 (Cost Principles for Non-profit Organizations) apply to this program.

(11) *Intergovernmental Review.* The provisions of Executive Order 12372 and HUD's implementing regulations at 24 CFR Part 52 apply to this program. Applicants are required to submit applications directly to the review body.

(12) *Debarred, Suspended or Ineligible Contractors.* HUD's regulations at 24 CFR Part 24 relating to the use of debarred, suspended or ineligible contractors or subcontractors apply to this program. Grantees will be responsible for assuring that such contractors or subcontractors are not used for projects assisted under this program during any period of debarment, suspension or placement in ineligibility status.

(13) *Flood Insurance.* No site proposed for a project to be assisted under this program may be located in an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless the community in which the area is situated is participating in the National Flood Insurance Program, or less than a year has passed since FEMA notification regarding such hazards, and the applicant (grantee) will assure that flood insurance on the structure is obtained in compliance with Section 102(a) of the Flood Disaster Protection Act of 1973.

(14) *Nondiscrimination and Equal Opportunity.* Grantees and owners must comply with the requirements of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601-19 (Pub. L. 90-284) and

implementing regulations, Executive Order 11063 and implementing regulations at 24 CFR Part 107, and Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) and implementing regulations at 24 CFR Part 1. Under Title VI and 24 CFR Part 1, no determination regarding the selection of a site or location of a Federally assisted project may be made with the purpose of or effect of excluding individuals from, or denying them the benefits of, or subjecting them to discrimination on the basis of race, color, or national origin or the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or 24 CFR Part 1. Grantees and owners must also comply with the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and the prohibitions against discrimination against handicapped individuals under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the requirements of Executive Order 11246 and the regulations issued under the Order at 41 CFR Chapter 60; and the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended.

(15) *Minority and Women's Business Enterprise Opportunity.* The grantee and owner must prepare, implement and maintain a minority and women-owned business development plan which shall contain specific and measurable goals and an affirmative strategy to promote awareness and participation by such businesses in the contracting and procurement activities generated by the project.

(16) *Administrative Costs.* Grant funds may not be used for administrative costs incurred by an applicant/grantee in carrying out its responsibilities under the Housing Development Grant Program. Such administrative costs include, but are not limited to, staff and consultant salaries and operating expenses of the applicant/grantee.

(17) *Construction Start Deadline.* Project construction or rehabilitation must commence within 24 months of HUD's notice of application selection.

(18) *Grantee-Owner Agreement.* The grantee and owner must enter into an agreement requiring the owner to comply with certain statutory and regulatory restrictions (e.g., items (1), (2), and (3) above). The grantee will be responsible for assuring that the owner complies with the agreement. Any Housing Development Grant assistance provided to the owner will constitute a debt payable in the event of failure to comply with the agreement. In the event of an uncorrected violation, the owner

will be required to pay the grantee an amount equal to the total amount of the grant assistance (plus interest thereon at a rate determined by HUD based on the Federal Government's borrowing rate), less 10 percent for each year in excess of 10 years from the effective date of the agreement. The owner's contingent debt must be secured by a security instrument (e.g., a lien against the property).

Application Submission Requirements

The application submission requirements are described in general terms in § 850.33 of the program regulations. The application packet that HUD will make available to prospective applicants will describe in much greater detail the required contents of an application. The application packet will also contain detailed guidance to assist applicants in preparing acceptable applications.

HUD Review and Selection of Applications

Applications will be reviewed both by HUD Headquarters and by HUD Field Offices. Field Offices will be responsible for making review comments and recommendations, but all selections will be made by Headquarters.

To be considered eligible for ranking and possible selection, an application must meet certain threshold requirements. These threshold requirements are specified in the program regulations at 24 CFR 850.37.

HUD will rate and rank applications on the basis of the following factors (maximum number of points to be awarded for each factor is shown in parentheses).

(1) *Shortage of decent affordable housing (25 points).* HUD will consider two separate elements under this factor. More favorable consideration will be given to those projects that are located in areas with the lower rental vacancy rates in the jurisdiction as a whole, and in all lower income census tracts in the jurisdiction (or where requested in the application and approved by HUD, in the market area).

(2) *Leveraging ratios (15 points).* HUD will consider two separate elements under this factor. More favorable consideration will be given to projects with higher project leveraging ratios (i.e., total private and non-Federal public financial resources committed to the project divided by the requested grant amount) and higher private project leveraging ratios (i.e., total private financial resources committed to the project divided by the requested grant amount).

(3) *Neighborhood development and mitigation of displacement (5 points)*. HUD will consider two separate elements under this factor. More favorable consideration will be given to those projects that have more favorable effect on neighborhood development and that cause little or no displacement or that provide effective mitigation of displacement.

(4) *Demonstrated performance and capacity (5 points)*. HUD will consider the applicant's record of performance in meeting its assisted housing needs and the applicant's capacity to commence and carry out the project in a timely manner. More favorable consideration will be given to those with the better record of performance in meeting annual and three-year Housing Assistance Plan goals and administering programs of federally assisted housing.

(5) *Efficient use of grant funds (10 points)*. HUD will consider the extent to which the housing development grant requested will provide the maximum number of units for the least cost to the Federal government. More favorable consideration will be given to projects with the better performance in achieving this result. HUD will develop these ratios to account for the repayment of grant amounts to the grantee and for differences in unit size (number of bedrooms), types of tenants being served, financing alternatives, construction costs, and project type.

(6) *Rent affordability (5 points)*. HUD will consider two elements under this factor. More favorable consideration will be given to projects that provide a more effective mechanism for assuring that rents for lower income units meet the rent requirements of § 850.151(e) of the program regulations, and that provide the greater amount of assistance, if any, to assure that rents are affordable for very low-income households.

(7) *Financial feasibility (10 points)*. More favorable consideration will be given to those projects that provide the better documentation of project feasibility, considering the relative strength of firm project commitments, the depth and adequacy of underwriting evidenced, and the long-term viability of the project, taking into account the requirements of the program regulations.

(8) *Family housing (15 points)*. More favorable consideration will be given to projects that provide the greater number of units for families and for large families with children.

(9) *Minority and women's business enterprise (5 points)*. More favorable consideration will be given to projects with the higher percentage of minority or women representation in the

ownership of the project. In the case of a partnership owner, in the case of a general partner in a limited partnership, or in the case of a corporate owner, more favorable consideration will be given to those projects where control of the partnership, the general partner, or corporate owner, as applicable, is vested in, and exercised by, minority persons and/or women.

(10) *Promoting nondiscrimination and equal opportunity (5 points)*. HUD will take into account the present pattern of assisted housing location and occupancy. More favorable consideration will be given to projects that are located (a) outside areas of minority concentration where the current pattern shows most assisted projects in minority areas, or (b) in areas where there is no other assisted housing, or (c) in areas undergoing revitalization through public or private investment and in which rental opportunities for lower income households are declining.

In making selections, HUD will give priority (up to 20 bonus points) to projects located in areas where waiting lists for housing assistance are relatively long and where Section 8 certificate-holders require an excessive length of time to find housing, and in which more than 20 percent of the units will be made available for occupancy by lower-income families.

More specific information on how HUD will rate applications on the selection criteria and apply the two-part selection priority will be provided to prospective applicants in the application packet.

Where To Obtain Application Packets

Beginning on June 25, 1984, application packets containing all required application forms and exhibits, detailed application instructions, and pertinent program guidance may be obtained from the HUD Field Offices listed in Appendix A of this Notice. Each prospective applicant should obtain and carefully review an application packet before attempting to prepare an application for submission to HUD.

Deadline for Submission of Applications

Applications must be received by HUD by the close of business on August 14, 1984. Further information concerning the deadline and where to submit applications will be provided in the application packet.

Authority: Sec. 17(d), United States Housing Act of 1937 (42 U.S.C. 1434o(d)); Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: June 15, 1984.

Maurice L. Barksdale,
Assistant Secretary for Housing—Federal
Housing Commissioner.

Appendix A—HUD Field Offices

REGION I

Boston Regional Office

Bulfinch Building, 15 New Chardon
Street, Boston, Massachusetts 02114

Hartford Office

One Hartford Square West, P.O. Box
2943 Hartford, Connecticut 06104

Manchester Office

Norris Cotton Federal Building, 275
Chesnut Street, Manchester, New
Hampshire 03103

Providence Office

330 John O. Pastore Federal Building and
U.S. Post Office—Kennedy Plaza,
Providence, Rhode Island 02903

REGION II

New York Regional Office

26 Federal Plaza, New York, New York
10278

Buffalo Office

Mezzanine, Statler Building, 107
Delaware Avenue, Buffalo, New York
14202

Caribbean Office

Federico Degetau Federal Building, U.S.
Courthouse, Room 428, Carlos E.
Chardon Avenue, Hato Rey, Puerto
Rico 00918

Newark Office

Military Park Building, 60 Park Place,
Newark, New Jersey 07102

REGION III

Philadelphia Regional Office

Curtis Building, 6th & Walnut Streets,
Philadelphia, Pennsylvania 19106

Baltimore Office

The Equitable Building, 10 North Calvert
Street, 3rd Floor, Baltimore, Maryland
21202

Charleston Office

Kanawha Valley Building, Capitol and
Lee Streets, Charleston, West Virginia
25301

Pittsburgh Office

Fort Pitt Commons, 445 Fort Pitt
Boulevard, Pittsburgh, Pennsylvania
15219

Richmond Office

701 East Franklin Street, Richmond,
Virginia 23219

Washington, D.C. Office

Universal North Building, 1875
Connecticut Avenue, N.W.,
Washington, D.C. 20009

*REGION IV**Atlanta Regional Office*

Richard B. Russell Federal Building, 75
Spring Street, S.W., Atlanta, Georgia
30303

Birmingham Office

Daniel Building, 15 South 20th Street,
Birmingham, Alabama 25233

Columbia Office

Strom Thurmond Federal Building, 1835-
45 Assembly Street, Columbia, South
Carolina 29201

Greensboro Office

415 North Edgeworth Street,
Greensboro, North Carolina 27401

Jackson Office

Federal Building, Suite 1016, 100 West
Capital Street, Jackson, Mississippi
39269

Jacksonville Office

325 West Adams Street, Jacksonville,
Florida 32202

Knoxville Office

One Northshore Building, 1111
Northshore Drive, Knoxville,
Tennessee 37919

Louisville Office

539 Fourth Avenue, P.O. Box 1044,
Louisville, Kentucky 40201

Nashville Office

One Commerce Place—Suite 1600,
Nashville, Tennessee 37239

*REGION V**Chicago Regional Office*

547 West Jackson Boulevard, Chicago,
Illinois 60606

Cincinnati Office

Federal Office Building, 550 Main Street,
Cincinnati, Ohio 45202

Cleveland Office

777 Rockwell Avenue, Second Floor,
Cleveland, Ohio 44114

Columbus Office

200 North High Street, Columbus, Ohio
43215

Detroit Office

Patrick V. McNamara Federal Building,
477 Michigan Avenue, Detroit,
Michigan 48226

Grand Rapids Office

2922 Fuller Avenue N.E., Grand Rapids,
Michigan 49505

Indianapolis Office

151 North Delaware Street, Indianapolis,
Indiana 46204

Milwaukee Office

Henry S. Reuss Federal Plaza, 310 West
Wisconsin Avenue, Suite 1380,
Milwaukee, Wisconsin 53203

Minneapolis-St. Paul Office

220 Second Street, South, Minneapolis,
Minnesota 55401

*REGION VI**Fort Worth Regional Office*

221 W. Lancaster, P.O. Box 2905, Fort
Worth, Texas 76113

Houston Office

Two Greenway Plaza East, Suite 200,
Houston, Texas 77046

Little Rock Office

Savers Building, 320 West Capitol, Little
Rock, Arkansas 72201

New Orleans Office

1661 Canal Street, P.O. Box 70288, New
Orleans, Louisiana 70172

Oklahoma City Office

Murrah Federal Building, 200 N.W. 5th
Street, Oklahoma City, Oklahoma
73102

San Antonio Office

Washington Square, 800 Dolorosa, P.O.
Box 9163, San Antonio, Texas 78285

*REGION VII**Kansas City Regional Office*

Professional Building, 1103 Grand
Avenue, Kansas City, Missouri 64104

Des Moines Office

Federal Building, 210 Walnut Street,
Room 259, Des Moines, Iowa 50309

Omaha Office

Braiker/Brandeis Building, 210 South
16th Street, Omaha, Nebraska 68102

St. Louis Office

210 North Tucker Boulevard, St. Louis,
Missouri 63101

*REGION VIII**Denver Regional Office*

Executive Tower Building, 1405 Curtis
Street, Denver, Colorado 80202

*REGION IX**San Francisco Regional Office*

Federal Building, 450 Golden Gate
Avenue, Post Office Box 36003, San
Francisco, California 94102

Honolulu Office

300 Ala Moana Boulevard, Room 3318,
Honolulu, Hawaii 96813

Los Angeles Office

2500 Wilshire Boulevard, Los Angeles,
California 90057

Phoenix Office

Arizona Bank Building, 101 North First
Avenue, Suite 1800, Post Office Box
13468, Phoenix, Arizona 85002

Sacramento Office

SOL "J" Street, 2nd Floor, Post Office
Box 1978, Sacramento, California
95809

*REGION X**Seattle Regional Office*

Arcade Plaza Building, 1321 Second
Avenue, Seattle, Washington 98010

Anchorage Office

701 C Street, Box 64, Anchorage, Alaska
99513

Portland Office

520 Southwest Sixth Avenue, Portland,
Oregon 97204

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[Docket No. N-84-1400; FR-1925]

Housing Development Grant Program; List of Designated Eligible Areas

AGENCY: Office of the Assistant
Secretary for Housing—Federal Housing
Commissioner, HUD.

ACTION: Notice.

SUMMARY: In accordance with 24 CFR
850.13, this Notice lists those entities
that the Secretary has determined meet
the minimum standards for designated
eligible areas under the Housing and
Development Grant Program.

FOR FURTHER INFORMATION CONTACT:
Frank D. Brown, Acting Director,
Housing Development Grants Division,
Room 6128, Department of Housing and
Urban Development, 451 Seventh Street
SW., Washington, D.C. 20410, telephone
(202) 755-5720. This is not a toll-free
number.

SUPPLEMENTARY INFORMATION: Section
301 of the Housing and Urban-Rural
Recovery Act of 1983 (Pub. L. 98-181,
approved November 30, 1983) added a

new section 17 to the United States Housing Act of 1937 (the 1937 Act) (14 U.S.C. 1437o) which, among other things, established the Housing Development Grant Program.

Under the Program, HUD is authorized to make grants to cities, urban counties and States acting on behalf of units of general local government to be used to support the new construction or substantial rehabilitation of primarily residential rental projects. An application must meet one of three thresholds to receive consideration for funding: it must be for a project located in a designated eligible area; meet a special housing need; or advance a particular neighborhood preservation purpose. This Notice concerns designated eligible areas, which section 17(d)(2) of the 1937 Act defines as areas determined by HUD to be experiencing a severe shortage of decent rental housing as opportunities for families and individuals without other reasonable and affordable housing alternatives in the private market.

Section 17(d)(2) of the 1937 Act requires HUD to establish minimum standards for determining designated eligible areas, taking into account certain statutory conditions and other objectively measurable conditions specified by the Secretary. These conditions are set out in 24 CFR 850.13(b). Section 850.13(a) provides that from time to time HUD will publish a Notice in the **Federal Register** listing those areas that have been so determined. This Notice is published in accordance with this requirement.

Areas that are not designated eligible areas may still be considered for housing development grants for projects that meet special housing needs or advance neighborhood preservation purposes. As with designated eligible area projects, cities and urban counties may submit such applications on their own behalf. States may submit such application on behalf, and with the concurrence, of units of general local government (see 24 CFR 850.15).

The following is a list of those entities that have been determined by HUD to be designated eligible areas.

Cities, Urban Counties and Large Puerto Rican Municipalities

Alabama

Abbeville	Bridgeport
Aliceville	Brighton
Andalusia	Brundidge
Anniston	Centerville
Atmore	Childersburg
Auburn	Citronelle
Bay Minette	Clanton
Bessemer	Columbiana
Birmingham	Cordova
Brent	Dadeville

Daleville
Daphne
Demopolis
Eufaula
Evergreen
Fairfield
Gadsden
Graysville
Greensboro
Greenville
Hartford
Headland
Hokes Bluff
Lafayette
Linden
Lipscomb
Livingston
Luverne
Marion
Monroeville
Montgomery

Bethel

Avondale
Bisbee
Buckeye
Casa Grande
Chandler
Chino Valley
Coolidge
Douglas
Edgar
El Mirage
Eloy
Florence
Guadalupe

Augusta
Blytheville
Booneville
Brinkley
Camden
Carlisle
Clarksville
Corning
Dewitt
Demott
Dumas
Earle
El Dorado
England
Eudora
Forrest City
Hamburg
Helena
Hot Springs
Hoxie
Lake Village

Arcata
Artesia
Arvin
Avenal
Azusa
Baldwin Park
Banning
Barstow
Bell
Bell Gardens
Berkeley
Blythe
Brawley
Brentwood
Calxico
Cloverdale
Coachella
Colton

Opelika
Phenix City
Piedmont
Pleasant Grove
Prichard
Red Bay
Roanoke
Roosevelt City
Russellville
Selma
Sheffield
Stevenson
Sumiton
Sylacauga
Talladega
Thomasville
Troy
Tuskegee
Union Springs
Wetumpka
York

Alaska

Arizona

Holbrook
Miami
Nogales
Parker
Somerton
South Tucson
St. Johns
Superior
Surprise
Thatcher
Tolleson
Winslow

Arkansas

Magnolia
Malvern
Manila
Marianna
Marked Tree
McGehee
Mena
Monticello
Newport
Osceola
Paragould
Pine Bluff
Prescott
Stamps
Waldron
Walnut Ridge
Warren
West Helena
West Memphis
Wynne

California

Commerce
Compton
Corcoran
Cotati
Cudahy
Daly
Delano
Dinuba
Dos Palos
Durate
El Centro
El Monte
Exeter
Farmersville
Fillmore
Firebaugh
Fresno County
Galt

Garden Grove
Gardena
Gilroy
Gonzales
Greenfield
Gridley
Guadalupe
Hawaiian Gardens
Hollister
Hughson
Huntington Park
Huron
Imperial Beach
Indio
Ingleswood
King City
La Puente
Lake Elsinore
Lawndale
Lindsay
Live Oak
Livingston
Los Angeles
Los Banos
Lynwood
Madera
Marina
Maywood
McFarland
Mendota
Merced
Montebello
National City
Newark
Newman
Norwalk
Oakland
Orange Cove
Oroville
Oxnard

Alamosa
Delta
Fort Lupton
La Junta
Lamar

Bridgeport
Danielson
Hartford
Jewett City

Laurel
Milford
New Castle

Washington

Alachua
Apalachicola
Apopka
Arcadia
Avon Park
Bartow
Belle Glade
Blountstown
Bonifay
Brooksville
Chipley
Clewiston
Cocoa
Dade County
De Funiak Spring
De Land
Florida City
Fort Meade
Fort Pierce
Graceville

Paramount
Parlier
Pasadena
Patterson
Perris
Pittsburg
Placentia
Pomona
Porterville
Redwood City
Reedley
Richmond
Riverbank
Rosemead
Ross
Salinas
San Bernadino
San Fernando
San Francisco
San Gabriel
San Jacinto
San Jose
San Pablo
Sanger
Santa Ana
Santa Cruz
Santa Fe Springs
Sana Paula
Seaside
Selma
Soledad
South El Monte
South Gate
Stockton
Tulare
Union City
Wasco
Winters
Woodlake

Colorado

Las Animas
Monte Vista
Rocky Ford
Trinidad
Walsenburg

Connecticut

New Haven
New London
Norwich
Stafford Springs

Delaware

Smyrna
Wilmington

District

Florida

Green Cove Spring
Haines City
Havana
Hialeah
Homestead
Key West
Lake City
Live Oak
MacClenny
Madison
Marianna
Miami
Miami Beach
Monticello
Mount Dora
Mulberry
Ocala
Opalocka
Pahokee
Palatka

Palmetto
Pensacola
Perry
Plant City
Quincy
Riviera Beach
Sanford
South Bay
South Miami

Springfield
St. Augustine
Starke
Sweetwater
Tampa
West Miami
West Palm Beach
Wildwood
Winter Garden

Georgia

Adel
Albany
Alma
Americus
Ashburn
Athens
Atlanta
Augusta
Bainbridge
Barnesville
Baxley
Blackshear
Blakely
Brunswick
Cairo
Camilla
Canton
Cedartown
Claxton
Cochran
Cordele
Covington
Cuthbert
Dawson
Donalsonville
Douglas
Dublin
East Dublin
Eastman
Eatonton
Elberton
Fitzgerald
Forsyth
Fort Valley
Glennville
Gordon
Greensboro
Griffin
Hartwell
Hawkinsville
Hazlehurst
Hogansville
Homerville
Jackson
Jesup

La Grange
Lakeland
Lithonia
Louisville
Lyons
Macon
Madison
McDonough
McRae
Metter
Milledgeville
Millen
Monroe
Montezuma
Moultrie
Newman
Ocilla
Pelham
Perry
Quitman
Rockmart
Rome
Sandersville
Savannah
Social Circle
Soperton
Stateboro
Summerville
Swainsboro
Sylvania
Sylvester
Thomaston
Thomasville
Thomson
Tifton
Valdosta
Vidalia
Vienna
Villa Rica
Washington
Waycross
Waynesboro
West Point
Winder
Wrightsville

Idaho

Blackfoot
Emmett
Fruitland
Heyburn
Montpelier

Payette
Sandpoint
St. Anthony
Weiser

Illinois

Aledo
Benton
Cairo
Carrollton
Centerville
Chicago
Chicago Heights
Columbia
Danville
East Chicago Heights
East St. Louis
Eldorado
Fairfield
Green Rock
Halvey
Havana
Johnston City

Madison
Markham
Maywood
McLeansboro
Metropolis
Naperville
Phoenix
Robbins
Round Lake Beach
Sandwich
South Holland
Stone Park
Summit
Venice
Washington Park
Waterloo
White Hall

Indiana

Austin
Bicknell
Bloomington
East Chicago
Edinburg
Gary
Hanover
Knox
Lawrenceburg
Linton

Mount Vernon
Munice
New Castle
North Vernon
Richmond
St. John
Vincennes
West Lafayette
West Terre Haute

Iowa

Centerville
Manchester

Sioux Center

Kansas

Abilene
Baxter Springs
Coffeyville
Columbus

Marysville
Neodesha
Pittsburg

Kentucky

Bardstown
Bowling Green
Catlettsburg
Central
Columbia
Covington
Cumberland
Cynthiana
Dawson Springs
Dayton
Flemingsburg
Franklin
Fulton
Georgetown
Grayson
Harlan
Harrodsburg
Hartford
Hickman
Hodgenville
Irvine
Jackson
Lancaster
Lebanon

Louisville
Ludlow
Mayfield
Maysville
Middlesborough
Monticello
Mount Sterling
Newport
Olive Hill
Paducah
Paris
Pikeville
Pineville
Providence
Richmond
Scottsville
Shelbyville
Somerset
Springfield
Stanford
Tompkinsville
Vine Grove
Williamsburg
Winchester

Louisiana

Abbeville
Alexandria
Amite City
Arcadia
Baldwin
Basile
Bastrop
Bogalusa
Breaux Bridge
Broussard
Bunkie
Carencro
Church Point
Covington
Crowley
Delhi
Donaldsonville
Eunice
Farmerville
Ferriday
Franklin
Franklinton
Gramercy
Gretna
Hammond
Haynesville
Homer
Houma
Jeanerette
Jennings
Jonesville
Kaplan
Kentwood
Kinder

Lake Arthur
Lake Providence
Leesville
Lutcher
Mamou
Mansfield
Many
Marksville
Minden
Monroe
Morgan City
Natchitoches
New Iberia
New Orleans
New Roads
Oakdale
Opelousas
Plaquemine
Ponchatoula
Port Allen
Port Barre
Rayne
Rayville
Shreveport
St. Martinville
Tallulah
Thibodaux
Ville Platte
Welsh
Westwego
Winnfield
Winnsboro
Zwolle

Maine

Bath
Belfast
Calais
Caribou

Portland
Rockland
Waterville

Maryland

Baltimore
Cambridge
Capitol Heights
Chestertown
Crisfield

Cumberland
Fruitland
Pocomoke City
Seat Pleasant

Massachusetts

Boston
Brockton
Cambridge
Chelsea
Fall River
Holyoke

Lawrence
Lynn
New Bedford
North Adams
Northampton
Springfield

Michigan

Alma
Battle Creek
Bay City
Benton Harbor
Big Rapids
Boyer City
Caro
Cheddar Springs
Cheboygan
Detroit
Dundee
East Grand Rapid
Ecorse
Essexville
Flint
Franklin
Grand Rapids
Grosse Pointe FA
Hamtramck
Highland Park

Houghton
Ironwood
Jackson
Kalamazoo
Laurium
Monroe
Mount Morris
Muskegon
Muskegon Heights
Nile
Pontiac
Port Huron
River Rouge
Saginaw
Sault Sainte Mar
Sparta
St. Johns
St. Louis
Ypsilanti
Zeeland

Minnesota

Bemidji
Brainerd
Dayton
Deephaven
Fairmont

Minnetrissa
Park Rapids
Sauk Centre
Staples

Mississippi

Aberdeen
Amory
Batesville
Belzoni
Brookhaven
Canton
Carthage
Charleston
Clarksdale
Cleveland
Columbia
Columbus
Crystal Springs
Drew
Durant
Forest
Greenville
Greenwood
Grenada
Hattiesburg
Hazlehurst
Hernando
Hollandale
Holly Springs
Horn Lake
Houston
Indianola
Itta Bena
Jackson
Kosciusko

Laurel
Leland
Lexington
Louisville
Magee
McComb
Mendenhall
Meridian
Morton
Moss Point
Mound Bayou
Natchez
Newton
Okolona
Pass Christian
Poplarville
Quitman
Rolling Fork
Rosedale
Ruleville
Senatobia
Shelby
Vicksburg
Water Valley
Waynesboro
West Point
Wiggins
Winona
Yazoo City

Missouri

Aurora
Ava
Bethany
Butler
Caruthersville
Charleston
Desloge
East Prairie
Flat River
Fredericktown
Hayti
Kennett
Kinloch
Lexington

Malden
Mountain Grove
New Madrid
Pagedale
Pine Lawn
Poplar Bluff
Portageville
Potosi
Sedalia
St. Clair
St. Louis
Valley Park
Wellston

Nevada

North Las Vegas

New Hampshire

Keene

New Jersey

Asbury Park
Atlantic City
Beachwood
Beverly
Bradley Beach
Bridgeton
Buena
Camden
Closter
Dover
East Orange
Elizabeth
Gloucester City
Haledon
Harrington Park
Harrison
Hoboken
Hudson County
Irvington
Jersey City
Keyport
Kinnelon
Lakehurst
Moonachie

New Brunswick
Newark
Northfield
Passaic
Paterson
Paulsboro
Pennis Grove
Perth Amboy
Pitman
Plainfield
Prospect Park
Rockaway
Salem
South Amboy
South Toms River
Trenton
Union Beach
Union City
Washington
West New York
Wildwood
Woodbine
Woodstown

New Mexico

Bayard
Bernalillo
Bloomfield
Clayton
Deming
Espanola
Gallup
Jal
Las Vegas
 Lordsburg

Los Lunas
Lovington
Portales
Raton
Silver City
Socorro
Taos
Truth of Consequences
Tucumcari
Tularosa

New York

Albany
Alfred
Babylon
Bath
Binghamton
Brockport
Buffalo
Canastota
Canton
Carthage
Chittenango
Cornwall on Hudson
Cortland
Croton-on-Hudson
Dansville
Dunkirk
East Aurora
Ellenville
Elmira
Elmsford
Fort Edward
Fredonia

Freeport
Fulton
Geneseo
Gloversville
Gouverneur
Granville
Hamburg
Hamilton
Haversrtraw
Hempstead
Herkimer
Hilton
Homer
Hornell
Hudson
Ilion
Ithaca
Kings Point
Kingston
Larchmont
Liberty
Malone

Malverne
Massena
Middletown
Mohawk
Mount Vernon
New Rochelle
New York
Newburgh
Niagara Falls
North Tarrytown
Nyack
Ogdensburg
Oneonta
Pelham
Penn Yan
Plattsburgh
Port Chester

Port Jervis
Potsdam
Poughkeepsie
Rensselaer
Rochester
Schenectady
Silver Creek
Skaneateles
Sloatsburg
Springville
Syracuse
Ticonderoga
Troy
Utica
Walden
Watertown
Whitesboro

North Carolina

Ahoskie
Belmont
Benson
Bessemer City
Canton
Clayton
Clinton
Dallas
Dunn
Edenton
Elizabeth City
Elizabethtown
Enfield
Fairmont
Farmville
Granite Falls
Havelock
Henderson
Hendersonville
Hillsborough
Kingston
Louisburg
Lowell
Madison
Maxton
Monroe
Mount Airy
Mount Olive

Murfreesboro
Nashville
New Bern
Oxford
Pembroke
Plymouth
Red Springs
Reidsville
Rocky Mount
Roxboro
Rutherfordton
Scotland Neck
Selma
Shelby
Smithfield
Spindale
Spring Lake
Tabor City
Troy
Wadesboro
Wake Forest
Warsaw
Washington
Waynesville
Williamston
Wilmington
Wilson

Ohio

Athens
Barnesville
Bellaire
Bridgeport
Cedarville
Cincinnati
Cleveland
Cleveland Height
Coal Grove
Crooksville
Dayton
Dennison
East Cleveland
East Liverpool
East Palestine
Elmwood Place
Fremont
Gallipolis
Georgetown
Girard
Greenfield
Hamilton City
Highland Heights
Itonton
Jackson
Jefferson
Lima

Lincoln Heights
Logan
Millersburg
Nelsonville
New Boston
New Lexington
New Miami
New Richmond
Pomeroy
Portsmouth
Sabina
Shadyside
South Lebanon
Springfield
St. Clarisville
Steubenville
Toledo
Uhrichsville
Washington
Wellston
Wellsville
West Union
Windham
Woodlawn
Yellow Springs
Youngstown
Zanesville

Oklahoma

Ada
Anadarko
Antlers
Ardmore
Atoka
Bristow

Broken Bow
Chandler
Checotah
Chickasha
Clinton
Commerce

Coweta
Drumright
Durant
Eufaula
Glenpool
Guthrie
Heavener
Henryetta
Hobart
Holdenville
Hollis
Idabel
Madill
Mangum
Marlow
Muskogee
Okemah

Okmulgee
Pauls Valley
Pawhuska
Poteau
Purcell
Sayre
Seminole
Shawnee
Stigler
Sulphur
Tahlequah
Tishomingo
Vinita
Wagoner
Walters
Wewoka

Oregon

Monlalla

Nyssa

Pennsylvania

Akron
Ashland
Avoca
Beaver Falls
Bentleyville
Boyertown
Braddock
Bradford
Bristol
Brownsville
Centerville
Chester
Clairton
Coatesville
Colwyn
Connellsville
Darby
Donora
Duquesne
Easton
Eddystone
Erie
Farrell
Fountain Hill
Gettysburg
Greencastle
Harrisburg
Homestead
Indiana
Johnstown
Lancaster
Lehigh
Lewistown
Lititz
Lock Haven
Mansfield
Marcus Hook
Masontown

McKees Rocks
McKeesport
Mercer
Meyersdale
Midland
Mount Penn
New Castle
New Kensington
Oakmont
Parkesburg
Philadelphia
Phillipsburg
Pittsburgh
Pittston
Plymouth
Port Allegany
Portage
Pottsville
Rankin
Reading
Sayre
Shamokin
Shenandoah
Shillington
State College
Summit Hill
Sunbury
Tarentum
Throop
Titusville
Towanda
Union City
Uniontown
Upland
Washington
Williamsport
York

Rhode Island

Central Falls
Newport

Providence
Woonsocket

South Carolina

Abbeville
Allendale
Anderson
Andrews
Bamberg
Barnwell
Batesburg
Bennettsville
Bishopville
Blackville
Charleston
Cheraw
Chester
Clover
Darlington
Denmark
Dillon
Edgefield

Florence
Fort Mill
Gaffney
Georgetown
Great Falls
Greenwood
Greer
Hartsville
Johnston
Kingstree
Lake City
Lancaster
Laurens
Liberty
Manning
Marion
McColl
Mullins

Orangeburg
Pageland
Saluda
Spartanburg
Sumter

Walterboro
Williamston
Winnsboro
Woodruff
York

South Dakota

Mobridge
Sisseton
Spearfish

Vermillion
Winner

Tennessee

Alamo
Bolivar
Brownsville
Collierville
Columbia
Covington
Elizabethton
Etowah
Fayetteville
Henderson
Humboldt
Jellico
Lawrenceburg
Lexington
Loudon
McKenzie

Memphis
Milan
Monterey
Mount Pleasant
Oliver Springs
Oneida
Pulaski
Ripley
Savannah
Sevierville
Smithville
South Fulton
Sparta
Springfield
Trenton
Winchester

Texas

Alamo
Alice
Alpine
Alton
Alvarado
Andrews
Anthony
Arkansas Pass
Athens
Ballinger
Bastrop
Bay City
Beeville
Belton
Big Lake
Big Spring
Bishop
Brady
Brazoria
Brownfield
Brownsville
Cameron
Carrizo Springs
Center
Childress
Clarksburg
Cleveland
Clute City
Cockrell Hill
Coleman
Colorado City
Comanche
Corpus Christi
Corsicana
Cotulla
Crockett
Crystal City
Cuero
Del Rio
Devine
Diboll
Dilley
Dimmitt
Donna
Eagle Lake
Eagle Pass
Edcouch
Edinburg
El Campo
El Paso
Elgin
Elsa
Ennis
Falfurrias

Floresville
Floydada
Fort Stockton
Fredericksburg
Freer
Friona
Gatesville
George West
Giddings
Gonzales
Gregory
Groesbeck
Hamlin
Harlingen
Haskell
Hearne
Hempstead
Hereford
Hondo
Hutchins
Jacksonville
Jasper
Jefferson
Jourdanton
Junction
Karnes City
Kaufman
Kenedy
Killeen
Kingsville
Kountze
La Freria
La Grange
Lamesa
Lampasas
Laredo
Levelland
Littlefield
Llano
Lockhart
Lufkin
Luling
Madisonville
Marble Falls
Marlin
Marshall
Mathis
McAllen
McGregor
McKinney
Memphis
Mercedes
Mexico
Mission

Monahans
Morton
Muleshoe
Navasota
Palestine
Paris
Pearsall
Pecos
Pharr
Plainview
Pleasanton
Port Arthur
Port Isabel
Port Lavaca
Post
Poteet
Premont
Raymondville
Refugio
Richmond
Robstown
Rockport
Roma
San Antonio
San Augustine
San Benito
San Diego
San Juan
San Marcos
San Saba

Seagraves
Sealy
Seguin
Seminole
Sinton
Slaton
Smithville
Sonora
South Houston
Stamford
Sweetwater
Taft
Tahoka
Taylor
Teague
Terrell
Trinity
Tulia
Uvalde
Van Horn
Vernon
Victoria
Waxahachie
Wellington
Weslaco
Wharton
Winnesboro
Winters
Yoakum

Utah

Clinton
Ephraim
Payson

Provo
South Jordan
Washington

Vermont

Barre
Bellows Falls
Newport

St. Albans
Swanton
Winooski

Virginia

Blackstone
Chase City
Coeburn
Culpepper
Orange
Petersburg

Portsmouth
Richmond
Roanoke
South Hill
Warrenton
Wytheville

Washington

Clarkston
Grandview
Othello
Pasco

Pullman
Sunnyside
Toppenish
Wapato

West Virginia

Buckhannon
Charles Town
Fairmont
Grafton
Hinton
Keyser
Lewisburg

Martinsburg
Mullens
Philippi
Ripley
Salem
Weston
Williamson

Wisconsin

Antigo
Beaver Dam
Berlin
Bloomer
Combined Locks
Jefferson
Kiel
Ladysmith

Medford
Menomonie
Neillsville
Platteville
River Falls
Waupun
Whitewater

Puerto Rico

Arecibo
Bayamon Municipio
Caguas Municipio
Carolina Municipio
Guaynabo Municipio

Mayaguez Municipio
Ponce Municipio
San Juan Municipio
Toa Baja Municipio
Trujillo Alto Municipio

Towns and Townships**Connecticut**

Brooklyn Town—Windham County
Durham Town—Middlesex County
Granby Town—Hartford County
Kent Town—Litchfield County
New Fairfield—Fairfield County
North Stonington Town—New London County
North Canaan Town—Litchfield County
Portland Town—Middlesex County
Salisbury Town—Litchfield County
Woodstock Town—Windham County

Maine

Brunswick Town—Cumberland County
Falmouth Town—Cumberland County
Fort Fairfield Town—Aroostook County
Fort Kent Town—Aroostook County
Houlton Town—Aroostook County
Livermore Town—Androscoggin County
New Gloucester Town—Cumberland County
Poland Town—Androscoggin County
Sabattos Town—Androscoggin County
VanBuren Town—Aroostook County

Massachusetts

Amherst Town—Hampshire County
Avon Town—Norfolk County
Burlington Town—Middlesex County
Dedham Town—Norfolk County
Dighton Town—Bristol County
East Bridgewater Town—Plymouth County
Essex Town—Essex County
Greenfield Town—Franklin County
Hadley Town—Hampshire County
Hanover Town—Plymouth County
Kingston Town—Plymouth County
Lenox Town—Berkshire County
Marion Town—Plymouth County
Mattaroisett Town—Plymouth County
Millbury Town—Worcester County
Paxton Town—Worcester County
Providence Town—Barnstable County
Salisbury Town—Essex County
South Hadley—Hampshire County
Sunderland—Franklin County
Swansea Town—Bristol County
West Newbury Town—Essex County
Westminister Town—Worcester County
Whitman Town—Plymouth County
Wrentham Town—Norfolk County

Michigan

Albee Township—Saginaw County
Arbela Township—Tuscola County
Atlas Township—Genesee County
Attica Township—Lapeer County
Aurelius Township—Ingham County
Bainbridge Township—Berrien County
Bennington Township—Shiawassee County
Benton Township—Berrien County
Buchanan Township—Berrien County
Burns Township—Shiawassee County
Chesaning Township—Saginaw County
Cooper Township—Kalamazoo County
Courtland Township—Kent County
Covert Township—Van Buren County
Deerfield Township—Livingston County
Geneva Township—Van Buren County
Green Lake Township—Grand Traverse County
Hagar Township—Berrien County
Hartford Township—Van Buren County

Hayes Township—Clare County
 Henrietta Township—Jackson County
 Howard Township—Cass County
 Ida Township—Monroe County
 Jefferson Township—Hillsdale County
 Keeler Township—Van Buren County
 La Salle Township—Monroe County
 Manistee Township—Manistee County
 Maplegrove Township—Saginaw County
 Marathon Township—Lapeer County
 Millington Township—Tuscola County
 Mills Township—Ogemaw County
 Oronoko Township—Berrien County
 Otsego Township—Allegan County
 Peninsula Township—Grand Traverse County
 Plainfield Township—Isosco County
 Portage Township—Houghton County
 Praiseville Township—Barry County
 Raisin Township—Lenawee County
 Ray Township—Macomb County
 Richland Township—Saginaw County
 Robinson Township—Ottawa County
 Roscommon Township—Roscommon County
 Rose Township—Oakland County
 Royal Oak Township—Oakland County
 Unadilla Township—Livingston County
 Vassar Township—Tuscola County
 Venice Township—Shiawassee County
 Vernon Township—Isabella County
 Watertown Township—Clinton County
 Zeeland Township—Ottawa County

New Hampshire

Allentown Town—Grafton County
 Candia Town—Rockingham County
 Durham Town—Strafford County
 Gorham Town—Coos County
 Hanover Town—Grafton County
 Lancaster Town—Coos County
 North Hampton Town—Rockingham County
 Northfield Town—Merrimack County
 Winchester Town—Cheshire County

New Jersey

Bedminster Township—Somerset County
 Buena Vista Township—Atlantic County
 Commercial Township—Cumberland County
 Delanco Township—Burlington County
 East Greenwich Township—Gloucester County
 Fairfield Township—Cumberland County
 Greenwich Township—Cumberland County
 Harding Township—Morris County
 Hardyston Township—Sussex County
 Holland Township—Hunterdon County
 Hopewell Township—Cumberland County
 Logan Township—Gloucester County
 Mendham Township—Morris County
 Millstone Township—Monmouth County
 Mount Holly Township—Burlington County
 Mullica Township—Atlantic County
 New Hanover Township—Burlington County
 North Berge Township—Hudson County
 Pilesgrove Township—Salem County
 Pittsgrove Township—Salem County
 Quinton Township—Salem County
 Shamong Township—Burlington County
 Southampton Township—Burlington County
 Springfield Township—Burlington County
 Tabernacle Township—Burlington County
 Weehaken Township—Hudson County
 Wyckoff Township—Bergen County

New York

Argyle Town—Washington County
 Aurora Town—Eric County

Beekman Town—Dutchess County
 Cairo Town—Greene County
 Cambria Town—Niagara County
 Canton Town—St. Lawrence County
 Caroline Town—Tompkins County
 Carroll Town—Chautauqua County
 Catlin Town—Chemung County
 Charlton Town—Saratoga County
 Chester Town—Warren County
 Clarence Town—Erie County
 Colden Town—Erie County
 Copake Town—Columbia County
 Cornwall Town—Orange County
 Deerfield Town—Oneida County
 Deepark Town—Orange County
 Delaware Town—Sullivan County
 Ellisburg Town—Jefferson County
 Fallsburg Town—Sullivan County
 Fort Ann Town—Washington County
 Goshen Town—Orange County
 Granville Town—Washington County
 Greenville Town—Greene County
 Hanover Town—Chautauqua County
 Hopewell Town—Ontario County
 Jerusalem Town—Yates County
 Lake Luzerne—Warren County
 Lansing Town—Tompkins County
 Lewisboro Town—Westchester County
 Lewiston Town—Niagara County
 Lisbon Town—St. Lawrence County
 Malone Town—Franklin County
 Mamakating Town—Sullivan County
 Mamaroneck Town—Westchester County
 Marilla Town—Erie County
 Moriah Town—Essex County
 Norfolk Town—St. Lawrence County
 Oneonta Town—Otsego County
 Oswegatchie Town—St. Lawrence County
 Palermo Town—Oswego County
 Parma Town—Monroe County
 Richland Town—Oswego County
 Riga Town—Monroe County
 Rochester Town—Ulster County
 Rockland Town—Sullivan County
 Rose Town—Wayne County
 Shandaken Town—Ulster County
 Sullivan Town—Madison County
 Trenton Town—Oneida County
 Verona Town—Oneida County
 Vienna Town—Oneida County
 Waterloo Town—Seneca County
 Wheatfield Town—Niagara County

Pennsylvania

Alsace Township—Berks County
 Amwell Township—Washington County
 Armagh Township—Mifflin County
 Barrett Township—Monroe County
 Bradford Township—Clearfield County
 Brecknock Township—Lancaster County
 Bushkill Township—Northampton County
 Butler Township—Schuylkill County
 Carroll Township—Washington County
 Chanceford Township—York County
 Coal Township—Northumberland County
 Conemaugh Township—Cambria County
 Cowanshannock Township—Armstrong County
 Croyle Township—Cambria County
 Damascus Township—Wayne County
 Derry Township—Mifflin County
 Dunbar Township—Fayette County
 Dunkard Township—Greene County
 East Cocalico Township—Lancaster County
 East Hanover Township—Lebanon County
 East Marlboro Township—Chester County

East Taylor Township—Cambria County
 Earl Township—Lancaster County
 East Bethlehem Township—Washington County
 East Huntingdon Township—Westmoreland County
 Fallowfield Township—Washington County
 Franklin Township—Fayette County
 Franklin Township—Greene County
 Georges Township—Fayette County
 German Township—Fayette County
 Green Township—Indiana County
 Harris Township—Centre County
 Hegins Township—Schuylkill County
 Hopewell Township—York County
 Jefferson Township—Butler County
 Jefferson Township—Lackawanna County
 Lower Chester Township—Delaware County
 Lackawannock Township—Mercer County
 Leacock Township—Lancaster County
 Lehman Township—Luzerne County
 Lower Alsace Township—Berks County
 Lower Towamensing Township—Carbon County
 Lower Yoder Township—Cambria County
 Luzerne Township—Fayette County
 Maxatawny Township—Berks County
 Menallen Township—Fayette County
 Millcreek Township—Erie County
 Mount Carmel Township—Northumberland County
 Mount Pleasant Township—Washington County
 Mount Pleasant Township—Westmoreland County
 New Garden Township—Chester County
 Oakland Township—Butler County
 Paradise Township—Lancaster County
 Penn Township—Butler County
 Penn Township—Lancaster County
 Peery Township—Fayette County
 Plainfield Township—Northampton County
 Quincy Township—Franklin County
 Redstone Township—Fayette County
 Rush Township—Centre County
 Rush Township—Schuylkill County
 Salisbury Township—Lancaster County
 Saltlick Township—Fayette County
 Shade Township—Somerset County
 Shippensburg—Cumberland County
 Shrewsbury—York County
 Smith Township—Washington County
 Snyder Township—Blair County
 Springfield Township—Erie County
 Springfield Township—Fayette County
 Springhill Township—Fayette County
 Stowe Township—Allegheny County
 Straban Township—Adams County
 Strasburg Township—Lancaster County
 Summerhill Township—Cambria County
 Summit Township—Somerset County
 Susquehanna Township—Cambria County
 Tinicum Township—Bucks County
 Tinicum Township—Delaware County
 Union Township—Mifflin County
 Upper Augusta Township—Northumberland County
 Upper Nazareth Township—Northampton County
 West Earl Township—Lancaster County
 West Mead Township—Crawford County
 Warwick Township—Bucks County
 Westtown Township—Chester County
 Wilmington Township—Lawrence County

Rhode Island

Jamestown Town—Newport County

Vermont

Brandon Town—Rutland County

Brattleboro Town—Windham County

Essex Town—Chittenden County

Fair Haven Town—Rutland County

Hinesburg Town—Chittenden County

Jericho Town—Chittenden County

Shaftsbury Town—Bennington County

Swanton Town—Franklin County

Puerto Rico Under 50,000 Population

Adjuntas	Barceloneta
Aguada	Barranquitas
Aguas Buenas	Caballero
Aibonito	Camuy
Anasco	Canovanas
Arroyo	Catano

Cayey
Ceiba
Ciales
Cidra
Coamo
Comerio
Corozal
Culebra
Dorado
Fajardo
Florida
Guanica
Guayama
Guayanilla
Curabo
Hatillo
Hormigueros
Humacao
Isabela
Jayuya
Juanalodiaz
Juncos

Lajas
Lares
Las Marias
Las Piedras
Loiza
Luquillo
Manati
Maricao
Munabo
Moca
Morovis
Naguabo
Naranjito
Orocovis
Patillas
Penuelas
Querbradillas
Rincon
Rio Grande
Sabana Grande
Salinas
San German

San Lorenzo
San Sebastian
Santa Isabel
Tao Alta
Utaudo
Vega Alta

Vega Baja
Vieques
Vilalba
Yabucoa
Yauco

Authority: Sec. 17(d)(2), United States Housing Act of 1937 (42 U.S.C. 1437o(d)(2); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: June 8, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

FR Doc. 84-16470 Filed 6-19-84; 8:45 am]

BILLING CODE 4210-27-M

**STATISTICAL
TRENDS**

**Wednesday
June 20, 1984**

Part V

**Civil Aeronautics
Board**

**14 CFR Part 252
Smoking Aboard Aircraft; Final Rule**

CIVIL AERONAUTICS BOARD

14 CFR Part 252

[Economic Reg. Amdt No. 3; Docket 41431; Reg. ER-1383]

Smoking Aboard Aircraft

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB adopts new rules to ban smoking on small aircraft and to ban cigar and pipe smoking on all flights. The CAB also retains current rules requiring fully functioning ventilation systems and discouraging airlines from sandwiching nonsmokers between two smoking sections, and rejects proposals to ban smoking on short flights or to require special provisions for passengers especially sensitive to smoke.

DATES: Adopted: June 1, 1984. Effective: July 20, 1984.

FOR FURTHER INFORMATION CONTACT: Richard B. Dyson, Associate General Counsel, Rules and Legislation Division; or David Schaffer, Attorney-Advisor, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION:

Background

The Board first adopted a rule on smoking in 1973, ER-800, 38 FR 19146, May 10, 1973. This rule, at 14 CFR Part 252, simply required airlines to provide separate sections for smokers and nonsmokers.

In 1976, the Board launched a new proceeding on smoking, EDR-306, 41 FR 44425, October 8, 1976. Between that date and 1981, the Board considered the full range of issues on smoking. These included whether the Board should regulate smoking at all, whether it should ban it entirely, whether it should ban it on short flights or small aircraft, whether it should ban cigar and pipe smoking, whether it should require special protections for passengers who are especially sensitive to smoke, and whether it should prohibit airlines from sandwiching nonsmokers between two smoking sections.

While these possible rule changes were pending, the Board decided to make some changes to Part 252, ER-1091, 44 FR 5071, January 25, 1979. It required airlines to specially segregate cigar and pipe smokers, ban smoking when the aircraft ventilation system was not fully functioning, and ensure that nonsmokers were not unreasonably burdened when a non-smoking section

was sandwiched between two smoking sections.

In 1981, however, the Board decided to keep a smoking rule but without the details on cigars and pipes, ventilation systems, and sandwiching that it had adopted 2 years earlier. ER-1245, 46 FR 45934, September 16, 1981. It also decided not to adopt any of the proposed smoking bans or the provision for passengers especially sensitive to smoke. The rule simply required airlines to guarantee a seat in the no-smoking to every nonsmoker who met the airline's check-in deadline.

This decision was challenged in Federal court by smokers, nonsmokers, and airlines. The courts upheld the Board's legal authority to regulate smoking, *Diefenthal v. CAB*, 681 F.2d 1039 (5th Cir. 1982) and *Action on Smoking and Health v. CAB*, 699 F.2d 1209 (D.C. Cir. 1983). However, the D.C. Circuit ordered the Board to reinstate the provisions on cigars and pipes, ventilation, and sandwiching that it had previously eliminated and to reconsider the decision not to adopt proposals to ban smoking on short flights and small aircraft or to provide special protections for passengers especially sensitive to smoke.

Shortly thereafter, the Board republished the provisions on cigars and pipes, ventilation, and sandwiching as the court had ordered, ER-1245A, 48 FR 24866, June 3, 1983 and ER-1356, 48 FR 36093, August 9, 1983. Also in accordance with the court order, the Board issued two notices of proposed rulemaking to reconsider these provisions and the three proposals that it had previously decided not to adopt, EDR-461, 48 FR 24918, June 3, 1983 and EDR-461B, 48 FR 43341, September 23, 1983. In these notices, the Board proposed the following:

- A ban on smoking on short flights, defined as flights of either 1 hour or less or flights of 2 hours or less;
- A ban on smoking on small aircraft, defined as aircraft of either 30 seats or less or aircraft of 60 seats or less;
- A ban on cigar and pipe smoking;
- A ban on smoking when the ventilation system is inadequate;
- A requirement that airlines provide special protections for passengers who are especially sensitive to smoke; and
- Elimination of the provision on sandwiching.

In response to these proposals, the Board received written comments from at least two U.S. government agencies (Department of Transportation and Department of Health and Human Services, Office of the Assistant

Secretary for Health), fourteen airlines or airline organizations (Air Transport Association of America, International Air Transport Association, Regional Airline Association, Aerospace Industries Association of America, Republic Airlines, Midway Airlines, Air Florida, Southwest Airlines, Transamerica Airlines, United Airlines, Piedmont Aviation, Wings West Airlines, Atlantic Air, Newair), six unions (Engineering and Air Safety Department of the Airline Pilots Association, Association of Flight Attendants, Health and Safety Department of Teamster Local 2707, Food and Allied Service Trades Department of the AFL-CIO, Independent Union of Flight Attendants, and Bakery, Confectionery and Tobacco Workers International Union), eleven consumer and health groups (Aviation Consumer Action Project, Action on Smoking and Health, Coalition on Smoking or Health, American Heart Association, American Cancer Society, American Lung Association, American Lung Association of San Diego and Imperial Counties, Georgia Lung Association, American Public Health Association, Massachusetts Group Against Smoking Pollution, New Jersey Group Against Smoking Pollution), four tobacco groups (Tobacco Institute, Kentucky Farm Bureau Federation, North Carolina Farm Bureau Federation, Bright Belt Warehouse Association, Inc.), and several others (County of San Diego, Xenex Corp., Experimental Aircraft Association, Meyer H. Sharlin, Captain H.B. "Chuck" Fulton Jr.). The Board also received more than 20,000 letters from individuals.

In addition, the Board held three days of oral argument in which 42 people, including 10 members of Congress, were able to present their views directly to the Board. All viewpoints were well represented.

Government agencies, consumer and health groups, flight attendant unions, a few small airlines, and about 30% of the individuals who wrote us were in favor of the sort of strict rules on smoking that the Board was proposing. Airlines, unions representing pilots or tobacco workers, pro-tobacco groups, and about 70% of the people who wrote us generally opposed the Board's proposals.

After considering all the arguments presented, and for the reasons set forth below, the Board has decided to ban smoking on small aircraft and to ban cigar and pipe smoking on all flights, but not to make the other changes that it had proposed. Thus the Board's new

rule, applicable to all U.S. airlines, will contain the following features.

- A requirement that airlines provide a seat in the no-smoking section to all nonsmokers that meet the airlines check-in deadline, even if the airline must expand that section to accommodate them;
- A ban on smoking on small aircraft;
- A ban on cigar and pipe smoking on all flights;
- A requirement that airlines ban all smoking when their ventilation system is not fully functioning; and
- A requirement that airlines ensure that nonsmokers are not unreasonably burdened when a no-smoking section is sandwiched between two smoking sections.

General Considerations

Several general objections were raised against any further Board regulation of smoking. Some argued that further regulation would be inconsistent with the policy of deregulation mandated by Congress in the Airline Deregulation Act, Pub. L. 95-504. They viewed the marketplace as being capable of fairly accommodating smokers and nonsmokers, and claimed that airlines are already attentive to the needs of nonsmokers.

Nonsmokers, particularly Action on Smoking and Health (ASH), disputed this contention. They claimed that airlines cannot be trusted to protect nonsmokers and that they have little real sympathy for or understanding of the problems many nonsmokers face. They were opposed to leaving further regulation of smoking to the marketplace. In their view, smoking is a health and safety matter that should be treated differently than routes, rates, or other economic matters that are the focus of the Airline Deregulation Act. They were particularly concerned about especially sensitive nonsmokers who are too small a minority to achieve protection through the operation of the marketplace.

The Board agrees with the nonsmokers insofar as they argue that Board regulation in this area is not inconsistent with the Deregulation Act. As a legal matter, arguments to the contrary have already been rejected by the two cases cited above.

Smoking is not analogous to economic issues, such as routes and pricing, because Congress did not call for the abolition of section 404(a) of the Act, the statutory authority to regulate smoking, as it did with respect to routes and fares. Unlike these economic issues, smoking evokes strong passenger emotions, and causes extreme distress for at least some people.

The additional protections for nonsmokers adopted here will impose a minimal burden on airlines. They represent a further compromise in the on-going dispute among nonsmokers, smokers, and airlines. We expect that this new rule will continue to receive widespread public support.

The widespread public support for the current rule was also cited as a reason for not making any more changes. The tobacco industry submitted surveys by Tarrance & Associates and the International Airline Passenger Association (IAPA) as evidence that passengers are not greatly concerned about smoking or are satisfied with the current rule. In the Tarrance survey, a majority of those questioned responded affirmatively to the question whether the "present arrangement works pretty well." In addition, some airlines pointed to surveys of their own passengers that indicated that passengers were satisfied with the current rules on smoking (For example, oral argument transcript pp. 192-193).

ASH and several individuals questioned the tactics and credibility of the tobacco industry surveys. ASH and the Georgia Lung Association also countered with surveys of their own. In these surveys, a majority of those questioned favored a ban on smoking on short flights (Georgia Lung survey), smoke-free flights (Midway Airlines and Wien Air Alaska survey), and a smoking ban in flight to reduce the possibility of fire (Gallup Poll published in Newsweek, January 30, 1984).

The surveys submitted by the tobacco industry, which has long opposed the Board's efforts in this area, show that most passengers are satisfied with what the Board has done. In our view, the further restrictions imposed here will also have public support. The fact that most people may feel that the "present arrangement works pretty well" (Tarrance & Associates survey) is not inconsistent with the position that further restrictions adopted here would also receive support.

Indeed, a 1977 survey for IAPA, when it was known as the Airline Passenger Association, revealed that a majority of passengers favored a ban on cigar and pipe smoking even though they opposed a ban on all smoking. In addition, a survey by Newair of its passengers found that a majority favored a ban on smoking on small aircraft. The fact that a majority of airlines have voluntarily banned smoking on small aircraft and cigars and pipes on all flights is further evidence that these actions are supported by the flying public.

Surveys indicating that a majority might also favor a ban on smoking on

short flights are relevant, but are outweighed by the other problems that such a ban would create, as described below. The Newsweek/Gallup poll is questionable because it assumes that smoking in designated smoking sections is a fire hazard, although the evidence is to the contrary. In the Board's view, this poll is more indicative of the public's strong concern for safety rather than their views about smoking.

Several commenters also cited the low level of complaints that the Board receives about smoking as evidence that the public is not greatly concerned about this issue and that no further rule changes are necessary. Only about two to three percent of the complaints that the Board receives involve smoking.

But nonsmokers, particularly the Aviation Consumer Action Project (ACAP), insisted that complaints to the Board do not indicate the scope of the problem. They stated that there is little incentive for a passenger to file a smoking complaint after a flight because the discomfort has ended and unlike a baggage problem, for example, monetary compensation will not be available. Moreover, they claimed that a passenger may suffer from smoke aboard aircraft even when there is no violation of Board rules that would warrant the filing of a complaint.

The Board recognizes that the number of complaints about smoking, relative to complaints about other problems, is low. On the other hand, the ones we do receive about smoking are among the most violent complaints with which the Board must deal. And there may be many reasons, such as those noted above, why we do not receive more. Complaints may be directed to the carrier rather than the Board. In the Board's view, the action taken here strikes an appropriate balance.

The International Air Transport Association (IATA), while recognizing that the Board's smoking rule applies only to U.S. airlines, opposed restrictions on smoking. It stated that U.S. domestic regulations are likely to be followed by foreign governments.

The changes adopted here will not apply to IATA member foreign airlines. The Board's smoking rule, Part 252, applies only to "air carriers", which section 101 of the Federal Aviation Act defines as U.S.-citizen airlines. To the extent that foreign airlines may choose to follow them, that is not cause for the Board to change its course.

ASH argued that smoking should be treated like chewing and spitting, a practice that is now generally prohibited in public places. Unlike chewing and

spitting, however, smoking remains a socially acceptable practice.

Short Flights

Proponents of a smoking ban on short flights rested their argument on three grounds—health, safety, and passenger comfort.

As a preliminary matter, many opponents of this ban argued that health and safety were not proper considerations for an economic regulatory agency such as the CAB. They claimed that the Federal Aviation Administration (FAA) was the sole agency to rule on the smoking issue from the health and safety perspective.

The statutory basis for Board action on smoking is the provision in section 404(a) of the Federal Aviation Act (49 U.S.C. 1374(a)) that requires airlines to provide "safe and adequate service." While the Board has in the past not denied that public health is an aspect of "safe and adequate service," it has not acted specifically on the basis of health considerations. Health has, to be sure, come somewhat more to the forefront in its smoking-rule deliberations, as the public comments have tended to focus on it.

When it first adopted a rule on smoking in 1973, ER-800, the Board did so solely on the basis of the need to minimize passenger discomfort and annoyance caused by smoke. Safety and health were not cited as justification for the Board's action.

In 1976, in proposing to strengthen this rule, EDR-306, the Board stated that since "the Federal Aviation Administration has already asserted jurisdiction of the health question under its authority to promote safety of flight, we think it appropriate to continue to defer to that agency on this issue." In 1981, when amending the smoking rule, ER-1245, the Board stated:

The only finding that would, in the Board's judgment, justify a total ban would be that smoking aboard aircraft under the present rules is significantly damaging the health of nonsmokers. But it is questionable whether the Board's authority could be exercised on that basis, since the FAA has primary jurisdiction over matters of health and safety in aircraft operations.

Thus, the Board has historically viewed the public safety and health aspects of smoking primarily as the responsibility of the FAA, although not denying their relevance.

In exercising its responsibilities in this area, the Board continues to believe that it should defer to the expertise of the FAA where that agency has ruled on the issue. The FAA has a medical office and the technical expertise that the Board lacks in the health and safety area. In

considering the smoking issue from the health and safety perspective therefore, the Board will give great weight to the findings of the FAA.

Health. The advocating a smoking ban relied on studies that demonstrate that the health of nonsmokers may be harmed by breathing second-hand smoke. Pro-tobacco groups countered with studies of their own demonstrating that passive smoking is not harmful to nonsmokers. Airlines argued that the superior ventilation system of their aircraft reduced any risks associated with second-hand smoke. It thus appears that the evidence of adverse health effects of passive smoking is still being disputed.

Assuming, however, that the studies cited by the proponents of the proposed smoking ban are valid, no commenter has shown that the findings of those studies are applicable to the situation aboard aircraft. The cited studies involved smoking in the home or office, places where people spend a significant portion of their life. This differs from the situation aboard aircraft where most people spend a relatively short time. Aircraft also differ from homes and offices in that nonsmokers are separated from the smokers in the former, but usually are not in the latter.

The only study that dealt specifically with the situation aboard aircraft found smoking "not to represent a hazard to the nonsmoking passengers."

* * * *Health Aspects of Smoking in Transport Aircraft*, FAA/HEW, December 1971. It reached this conclusion at a time when nonsmokers were not always separated from smokers aboard aircraft as they are now.

Although this study is now 13 years old, as recently as last November, in Congressional testimony, FAA officials reaffirmed its findings.

I am advised that based on these and other studies it is the FAA's view that the casual exposure to cigarette smoke in a reasonably ventilated environment is not expected to have any relationship to cardiovascular or pulmonary disease causation. S. Rep. No. 98-54, 98th Cong., 1st Sess. 10 (1983).

As explained above, the FAA's views on the health issue are given great weight by the Board. The Board finds no sufficient basis to override the FAA's position on this point, and therefore declines to act on the specific basis of the health aspects of passive smoking.

It was argued that even if passenger health is not adversely affected by smoking, flight attendant health is, because they spend more time aboard aircraft than do passengers. Many flight attendants did write to us claiming such adverse health effects from passive

smoking. However, the New England Journal of Medicine reported a study that found that the health of flight attendants was not adversely affected by passenger smoking. Folliart, Benowitz & Becker, "Passive Absorption of Nicotine in Airline Flight Attendant," N. Engl. J. Med 1983; 308:1105. This study was conducted on flights to Japan where smoking could be expected to be particularly heavy. The results of another study by the National Institute for Occupational Safety and Health (NIOSH) were inconclusive. Thus, the available scientific evidence at this time does not appear to support a conclusion that the health of flight attendants is harmed by smoking aboard aircraft.

Some nonsmokers conceded that the scientific evidence may not support their view, but felt that further research would eventually prove them correct. That may be, but the Board must base its decision on the objective evidence that now exists to the extent that such evidence is available.

Safety. Proponents of the proposed smoking ban also cited the fire danger as justification for such action. But once again, the available evidence is that there is no significant danger, except for smoking in the lavatories where it is already banned by an FAA airworthiness directive.

The FAA has considered the alleged fire danger of smoking aboard aircraft and has concluded that it does not justify further regulation. For example, in a letter to Congress last summer, the FAA's acting director of flight operations stated:

Electrical, fuel, and other aircraft systems are specifically designed to first prevent ignition and secondly to contain, control, or extinguish a fire in the event ignition does occur. Similarly, the interiors of aircraft cabins are designed and constructed to provide protection from fire in a manner which is superior to other means of public transportation. Because of these inherent design factors and because fire retardant materials are used in the construction of aircraft interiors, smoking on board commercial aircraft does not constitute a significant compromise to safety.

Letter from FAA's Acting Director of Flight Operations to the Honorable Lindsay Thomas, July 25, 1983. As the agency responsible for safety, including fire safety, the FAA's conclusions in this area also are entitled to great weight by the Board. The FAA is moving to improve aircraft fire safety by proposing new and more stringent flammability requirements for seat cushions, 48 FR 46250, October 11, 1983.

Supporters of the proposed smoking ban claimed that there were 45 major

fires aboard aircraft between 1973 and 1981. Many cited the Varig fire in France and the 1983 Air Canada fire as proof that cigarette smoking is dangerous.

A fire safety expert, however, who reviewed the National Transportation Safety Board files on major aircraft fires since 1970 testified that none of them were caused by cigarette smoking in the passenger compartment. Oral argument transcript, volume 2, pp. 13-15. This appears to be the result of the fire retardant materials that are used for aircraft passenger seats.

The Varig and Air Canada fires occurred in the aircraft lavatories, where smoking is already banned, not in the designated smoking section. There is doubt that the Air Canada fire was caused by a cigarette. *Aviation Week and Space Technology* (August 22, 1983) p. 30. Banning smoking in designated smoking sections might increase, rather than decrease, the incidents of smoking and risk of fire in the aircraft lavatories where it poses the greatest danger to the lives of passengers.

Passenger comfort. The docket of this proceeding contains a large number of letters from nonsmokers complaining in the strongest terms of the problems they have experienced aboard aircraft because of smoking there. It is quite clear that, for at least some people, smoking aboard aircraft causes a high level of annoyance and discomfort.

On the other hand, the docket contains even more letters from passengers claiming that they need to smoke and would not, or could not, fly if they were prohibited from doing so. Many threatened to defy a smoking ban or to continue indulging their habit in the aircraft lavatory, regardless of the risks. These smokers often claimed that they have a "right" to smoke.

The Board does not accept the argument that there is an absolute legal right to smoke on an airplane. The first section of the Board's smoking rule has always given airlines the discretion to ban all smoking, and some have done so. Courts have recognized that a smoker's right to smoke "may have to give way to the freedom of others to be unannoyed by smoke," *Nader v. Federal Aviation Administration*, 40 F. 2d 292, 295, n.4 (D.C. Cir. 1971).

Nevertheless, the letters from smokers make clear that for those who choose to participate, smoking is very important. Many smokers are apparently unable to suppress this desire for very long.

At present, the Board's rule favors the nonsmokers. This seems reasonable since a majority of passengers are nonsmokers. The current rule requires airlines to guarantee a no-smoking seat to every passenger that wants one and

meets the airline's check-in deadline. Smokers, however, have no right to a smoking seat no matter how early they check in. If a no-smoking section on a flight is full, an airline must expand it to accommodate additional nonsmokers and prevent smokers from smoking in the expanded no-smoking section. Airlines are under no obligation to accommodate smokers in this way, and indeed would be prohibited from doing so if that would result in nonsmokers being encompassed by the smoking section. In addition, some more provisions for the benefit of nonsmokers are being adopted by this rule.

The Board finds that further protections for nonsmokers based on flight length are not justified. The additional comfort that that would provide for them is outweighed by the administrative, confusion, and competitive problems that it would create, as explained below.

Differences between short-flight and other smoking bans. Those opposing the short flight smoking ban noted that nonsmokers are likely to suffer more on long flights than on short ones. The primary rationale offered for the short-flight smoking ban by the nonsmokers, however, was that smokers are able to refrain for short periods in other places. Ground transportation and public buildings, especially theaters, churches, and courtrooms, were cited as places where smoking bans for short periods have proven successful. Yet there are differences between these and airplanes that make a ban more feasible and essential in the former than in the latter. These differences include the following:

- Smokers can step outside or into the lobby of theaters but cannot do so while in an airplane. Their only alternative would be the lavatory.

- Ground transportation trips are usually shorter than air transportation trips and typically allow passengers to get off at short intervals or provide them a smoking car or section.

- Smoking presents a fire hazard in many public buildings but, as explained above, does not present a similar hazard in an airplane, as long as it is done in the designated smoking section.

- It's easier for smokers to comply with a smoking ban for a short time in theaters or courtrooms because their attention is riveted on the performance or proceeding while in an airplane a smoker may be nervous and fidgety, and have nothing to do but think about how much he or she would like to light up.

- The relatively careful allocation of seats and supervision by flight attendants aboard aircraft make separation into smoking and no-smoking

sections a feasible alternative to a total ban.

- The duration of a flight is not as certain as the duration of a movie. If a flight unexpectedly exceeded the 1- or 2-hour period for the ban, airlines might be expected to rearrange passengers so some could smoke.

- The air in modern aircraft is filtered and recirculated more rapidly than it is in many public buildings.

Proponents of the smoking ban also pointed to total smoking bans on some small aircraft and on Muse Air, as well as to the ban on cigars and pipes on most airlines as evidence that a short-flight smoking ban was feasible.

In the Board's view, these are not comparable. To the extent that their smoke is not inhaled, cigars and pipes are less addictive than cigarettes, so it is easier for a cigar and pipe smoker to refrain, especially when the cigarette option is available. The proponents of the short-flight smoking ban recognized that. ASH comments, p. 67 ("cigar and pipe smokers—unlike cigarette smokers—rarely have the strong craving which requires them to smoke regularly during the day.").

Smoking bans that are airline-wide or based on aircraft size are also not comparable, as they do not present the problems of a ban based on flight length. They are easy for airlines to administer and for passengers to understand. A short-flight smoking ban, in contrast, would in many situations create administrative headaches for carriers and appear arbitrary or illogical to passengers.

Administrative problems. The difficulties arise because not all short flights are turnaround operations. Many are one segment of a two- or three-stop flight, and the other segments may be longer flights outside the time limit of a ban. Passengers boarding or deplaning at one of the intermediate stops will probably be unaware that their flight is only one segment of a multi-segment flight.

There are several ways that the airline could handle this if the Board were to adopt the short-flight smoking ban, but all are likely to result in confusion or administrative problems. The Aviation Consumer Action Project (ACAP) suggested that the airline could place smokers in a smoking section for the short-flight segment but prohibit smoking until the long-flight segment. For a smoker who was traveling on only the short-flight segment, this arrangement would make no sense, and would likely prompt anger and defiance.

Smokers might well feel that when placed in a smoking section, they have

the right to smoke. An explanation that the flight is continuing on to a longer segment would mean little to those who were planning to disembark before then.

Alternatively, the airline could do without separate sections on the short-flight segment and then rearrange the remaining passengers for the longer segment. This would surely be an annoyance for passengers who were already settled in, and a burden on the airlines.

Or, the Board could require airlines to simply ban smoking on any flight, regardless of length, if it included a short-flight segment. This, however, goes against the primary rationale for the proposed ban, which is that smokers can easily refrain for a short time but not for a longer flight.

Another option would be to exempt short-flight segments of multi-segment flights from the ban. But this would mean that flights on the same route, with the same flight duration, and possibly of the same airline with the same aircraft type would be subject to different smoking rules, resulting in further confusion and administrative problems.

Proponents of the smoking ban pointed out that many aspects of airline service, such as fares or whether there will be meal service, are confusing or may not be known to passengers until they are on board the aircraft. But none of those service features are as emotionally charged as smoking. It is unlikely that anyone would cause an incident aboard an aircraft because the airline failed to provide an expected meal.

The possibility of defiance of a short-flight smoking ban, however, is quite real. Compliance problems under the Board's simple and less restrictive rule have been widely reported. They could get worse if smoking were banned.

The danger of such defiance is not merely hypothetical. Airlines have been known to land prematurely to deal with such problems. The safety hazards of smoking in the aircraft lavatories are well documented. There was the Varig fire mentioned above. More recently, the New York Times (March 7, 1984) reported an incident in China, where in-flight smoking is banned, where an aircraft caught fire because a passenger was smoking in the lavatory. Many died in that blaze.

Both the airlines and the airline pilots were concerned about this danger and therefore urged the Board not to adopt the short-flight smoking ban. Individual flight attendants tended to support the ban but some of their union leadership was more hesitant, fearing the dangers of defiance. For example, one from

Chicago, while passing along the concerns of her membership about smoking, let it be known that she was concerned that "many smokers will smoke whether you allow them to or not" * * * and that this "could create further safety hazards * * *."

The Department of Transportation (DOT) was also concerned. Although it was sympathetic to a short-flight smoking ban, it concluded its comments on this issue by stating:

There is a possibility that the Board's smoking ban might actually increase the chance of fire if smokers, trying to avoid the ban, smoke in the lavatory. Before adopting the proposed rule, we urge the Board to consider the possibility of such actions.

DOT did offer a way to ban smoking on short flights without the safety hazard. They suggested coordinating the short-flight smoking ban with the FAA's rulemaking to require smoke detectors in aircraft lavatories. The problem with this is that the FAA is still in the early stages of this rulemaking. The smoke detector requirement will not take effect before the Board, and possibly the statutory authority to regulate smoking, sunsets on January 1, 1985. Even with smoke detectors, there might still be a safety hazard because passengers could disconnect them.

Competitive problems. A further problem with the short-flight smoking ban is its possible anti-competitive effects. The Air Transport Association (ATA) cited several examples where flight times of one carrier would be shorter than those of another on the same route as a result of the type of aircraft utilized, the particular airport being served, the season of the year, or the direction of the flight. This would result in one carrier being subject to more restrictive smoking rules than its competitor.

On short routes to Canada and the Caribbean, U.S. carriers would be subject to much more restrictive smoking rules than their foreign competitors if the short-flight smoking ban were adopted. Foreign airlines are not covered by Board smoking rules.

With a 1- or 2-hour smoking ban, airlines with connecting flights might find both segments of the route governed by the smoking ban. But another airline, with nonstop service between the same points might be able to avoid the ban and offer both smoking and no-smoking sections on the route.

For example, Air One, a new airline, testified that it had been operating a flight between St. Louis and Washington that was not attracting a sufficient number of passengers. In order to maintain that flight, Air One added a

connecting flight between Dallas/Fort Worth and St. Louis. It testified that both the Dallas/Fort Worth-St. Louis flight and the St. Louis-Washington flight would come within the 2-hour smoking ban, but that passengers flying on Air One from Dallas through to Washington would actually be on the plane for more than 4 hours. Because both segments of the route are 2 hours or less, Air One claimed that it would be severely handicapped by the smoking ban and would experience difficulty in competing in the Dallas/Ft. Worth-Washington market because of the restriction.

There are many airlines like Air One that are in similar situations. While no-smoking restrictions are important, the government should not impose restrictions on airlines that hamper their growth or ability to compete. A smoking ban based on flight length would create these sorts of problems.

Conclusion. For these reasons, the short flight smoking ban is not adopted. While there are many people on both sides of the issues, some satisfied and some dissatisfied, in the Board's view the current system of separating smokers from nonsmokers on 30-seat and larger aircraft works reasonably well and should be retained.

Small Aircraft

In contrast to the short-flight proposal, a ban on smoking on small aircraft can be accomplished without major problems or passenger confusion.

The rationale for a small aircraft smoking ban is much the same as that for short flights—that smokers can refrain for the short time that they are on board. Yet, unlike a short-flight smoking ban, a ban based on aircraft size would be simple to apply and for passengers to understand. Passengers, including smokers, are likely to agree that separate seating arrangements for smokers and nonsmokers are less likely to be effective on small aircraft than on large ones. Nonsmokers are therefore more likely to experience discomfort on small aircraft.

Protection of nonsmokers aboard small aircraft becomes increasingly important as these small carriers assume a larger role in the national air transportation system as a result of deregulation.

The feasibility of the small aircraft smoking ban is demonstrated by the fact that many small carriers have voluntarily adopted it, apparently with success. A survey of carriers last year revealed that more than half banned smoking on their 30-seat and smaller aircraft.

The prevalence and success of the voluntary small aircraft smoking ban stands in contrast to the status of the short flight proposal. Only one carrier (SAS) has experimented with a smoking ban based solely on flight length, and it abandoned that experiment after only a few weeks.

Those who opposed a smoking ban on small aircraft have argued that ventilation on the small aircraft is just as good as on the larger ones. This was contested by DOT and other proponents of the smoking ban. They claimed that ventilation systems on small aircraft were less sophisticated than those on the larger planes. Thus, at the very least, the capability of small aircraft ventilation systems is open to question.

Even assuming, however, that their ventilation systems are equal to those on large aircraft, the fact remains that in the small confines of commuter-type aircraft, it is just more difficult to separate nonsmokers from the smokers and their smoke. The problems of smoking on small aircraft are well illustrated by the statement of the Piper Aircraft Corporation, a manufacturer of small aircraft—"Ventilation systems on small aircraft are efficient, ours changes the air every minute or so but in airplanes our size, it is physically impossible to attain any significant separation between smokers and nonsmokers."

Those passengers who are especially bothered by tobacco smoke can, on a larger aircraft, usually get a seat far from the smoking section. On a small aircraft, however, no matter where sensitive passengers sit, they are bound to be near the smoke. If the smoke drifts at all, they are sure to be adversely affected by it.

Opponents of this ban also argued that it would cause small carriers to lose passengers. The Board doubts that this would be a problem. If it were, there would not be so many small carriers now banning smoking on their aircraft voluntarily. Many small carriers in fact supported the Board's action. Wings West airlines pointed out that most people can do without tobacco for the short duration of a commuter flight. Atlantic Air favored a smoking ban on small aircraft because, in its view, the size of the aircraft cabin lends itself to a single environment whether or not there is segregation of smokers and nonsmokers. Newair also cited aircraft size as the reason to ban smoking. It stated that the limited space of small aircraft accelerates the drifting of smoke. It also felt that smokers would not be upset by refraining from smoking for the short time that small aircraft are in flight.

In short, a smoking ban on small aircraft is feasible, and would provide important protections for nonsmokers, particularly especially sensitive ones, without seriously burdening smokers or airlines. The Board has therefore decided that it should be adopted. The only question that remains is where the line should be drawn—at 30 seats or at 60 seats.

Although any line drawing contains a certain element of arbitrariness, the proper place to draw it here appears to be at 30 seats. It is at that point that planes become so small as to make segregation largely ineffective. Also, many of the smaller aircraft lack flight attendants to monitor the separation and have open cockpits so that pilots could be adversely affected by the smoke.

There are significant differences in cabin size between over-30 and under-30 seat aircraft that justify different treatment of the two groups. Air Florida noted that its 50-seat aircraft are quite unlike the smaller unpressurized aircraft. It stated that they have a spacious jet-like look. Republic explained that it had modified the ventilation systems on its Convair 580's so that the air is exchanged more frequently and rapidly in these aircraft than in its larger ones.

The difference between the over- and under-30 seat aircraft is illustrated by comparing some of the aircraft in each group. A comparison of the Beech C99 (15 seats), Cessna 402C (9 seats), Embraer 110P1 (18 seats), Metro III (19 seats), Nomad N24 (16 seats), and G111 Albatross (28 seats), with the Saab Fairchild 340 (34 seats), Shorts 360 (36 seats), Gulfstream 1C (37 seats), Dash 7 (50 seats), and Fokker F27 (50 seats) show that the smaller aircraft have an average cabin volume of 550.5 cu. ft. while the larger aircraft were more than three times larger at 1676.8 cu. ft. The largest of this group of under 30-seat aircraft still had only two-thirds of the volume of the smallest in the over-30-seat group.

Furthermore, the Board has traditionally drawn its regulatory line at 30, rather than 60, seats where smoking is concerned. It is true that for other Board consumer rules such as those concerning passenger bumping from oversold flights (14 CFR Part 250) and airline liability for lost luggage (14 CFR Part 254) the line is drawn at 60 seats. Those rules differ, however, from the one adopted here in two respects. The problem this rule addresses, inadequate separation of smokers and nonsmokers, increases as the aircraft gets smaller. This is not true in the case of lost luggage or bumping.

Secondly, the lost luggage and bumping rules, unlike the smoking rule, require airlines to pay money to passengers. They therefore may have a significant economic impact if applied to small carriers, in contravention of the Regulatory Flexibility Act, Pub. L. 96-354. The economic impact of the Board's smoking rule, in contrast, is slight. No money is involved in the implementation of the rule. Indeed, Newair suggested that segregating smokers and nonsmokers is apt to be more burdensome than the simple ban adopted here.

In this connection, it is again worth noting that most operators of less than 30-seat aircraft ban smoking on those aircraft while almost all operators of 30- to 60-seat aircraft allow it. This is further evidence that a ban is necessary and acceptable to passengers on the smaller aircraft but not on the larger ones.

The argument that different smoking rules based on aircraft size would cause problems for mixed fleet operators is without merit. The survey of last year referred to above revealed that some carriers with mixed fleets already have different smoking policies governing their larger and smaller aircraft. If some consider this to be a burden, they could resolve the difference by banning smoking on all their aircraft. In any event, it is doubtful that there would be such problems because differing smoking policies based on aircraft size would be simple for carrier employees to apply and easy for passengers to understand.

Midway Airlines suggested that the small aircraft smoking ban should be phrased so that it applies to aircraft designed to accommodate a maximum of 30 seats, rather than to aircraft that happen to have that many seats. Midway pointed out that under a strict reading of the Board's proposal, the smoking ban would apply to large aircraft with few seats, such as an ultra-first-class service, but not on small aircraft with unusually dense seating. In Midway's view, this would be an illogical result.

The Board agrees. The rules is therefore revised so that application of the smoking ban will depend on the number of seats that the aircraft is designed for rather than the number of seats it actually may have. This will prevent carriers from avoiding the ban by adding seats.

After the Board had discussed the smoking issue at its March 19, 1984 public meeting and announced its tentative decision to adopt the proposal to ban smoking on aircraft with 30 seats or less, Embraer Aircraft Corporation,

the Regional Airline Association (RAA), and several small airlines filed additional comments. The RAA and the small airlines argued that their 30 seat aircraft, the Shorts 330, lends itself to smoking/no-smoking sections as well as the slightly larger ones that would not be subject to the ban. They claimed that the 30-seat Shorts bears a strong resemblance to its slightly larger counterpart, the 36-seat shorts SD-360. They stated that the two are used interchangeably and they were concerned that different smoking rules for each would cause passenger confusion.

They also cited competitive problems. They stated that the 30-seat aircraft frequently competes with the slightly larger aircraft that could still offer passengers a choice of smoking accommodations.

Embraer, a Brazilian manufacturer, was concerned with the impact of the ban on the sales of its new 30-seat EMB-120 Brasilia. It claimed that there were five medium-size commuter aircraft types competing for sales in the U.S. market. Only the EMB-120 Brasilia would be affected by the smoking ban. Embraer argued that this would be discrimination against it.

According to Embraer, this discrimination is not in U.S. interests because many of the components of their aircraft are made by U.S. companies and because their aircraft sales generate dollars to pay back loans to American banks.

They asked that the smoking ban apply only to aircraft with less than 30 seats, and not to those with precisely 30 seats. They claimed that this would not create additional controversies for the Board because there are almost no aircraft in the 20 to 29 seat range.

Board rules prohibit the filing of "pleadings, or other documents based on the comments of Board members or staff at open discussions," 14 CFR 310b.9(c). ASH alleged that this provision barred the above filings but waived this procedural objection and instead filed comments responding to them on the merits.

It urged the Board not to change its instructions because "the interior area of the 30-seat aircraft is simply too small to permit a healthful and comfortable separation between smokers and nonsmokers."

It further argued that the smoking ban should be increased to include aircraft with 50 seats or less. It considered these aircraft to also be too small to effectively segregate smokers and nonsmokers. RAA filed a response challenging ASH's position.

Section 310b.9(c) of the Board's rules does not prevent a person from filing supplemental comments in an attempt to change a Board decision as long as those comments do not rely on discussion at the Board meeting as the basis for its argument. The Board does not view the filings of the airlines or ASH to be improperly relying on Board comments. Their pleadings are therefore not barred by section 310b.9(c).

Given this and ASH's waiver of any procedural objection that it might have had, the Board has decided to reconsider its decision regarding 30-seat aircraft and grant the airlines' request. The smoking ban adopted here will apply only to aircraft with less than 30 seats. Aircraft with precisely 30 seats will follow the same rules as the larger carriers.

The above figures on cabin volume, which are generally available, make clear that there is a significant difference in cabin size between the over and under 30-seat aircraft. Those with precisely 30 seats seem closer to the larger aircraft than the smaller ones. For example, the 30-seat Shorts has a cabin volume of 1230 cu. ft., which is more than double that of most of the smaller aircraft and even more than the 34-seat Saab-Fairchild 340.

The Board is also persuaded by the carrier arguments of passenger confusion and anti-competitive effects of a smoking ban on 30-seat aircraft. Those were two of the primary reasons that the Board decided not to ban smoking on short flights. They support a similar result here.

The Board is not increasing the cut-off for the ban to 50 seats as ASH suggested. That would create a new set of competitive problems because there are many 50-seat aircraft operating in markets where there are small jets that could still offer passengers a choice. That problem does not arise when the ban is limited to aircraft with less than 30 seats because there are so few aircraft in the 20- to 29-seat range.

Cigars and Pipes

The least controversial of the Board's proposals was the one to ban cigars and pipes. This is probably due to the fact that most airlines have already adopted such a ban on their own initiative.

It is clear that many passengers find cigar and pipe smoke significantly more irritating than cigarette smoke. A survey of frequent flyers by the Airline Passenger Association revealed that, although most opposed a ban on smoking generally, they favored a ban on cigar and pipe smoking. The fact that most airlines have chosen to ban cigars and pipes but not cigarettes is further

evidence that the cigar and pipe ban is feasible and acceptable to passengers. Studies have been cited in the past indicating that cigars and pipes produce far more pollutants than do cigarettes. See for example, EDR-306, ft. 9 and 351 ICC 883, 917 (1976).

The letters to the Board indicate that cigar and pipe smoke is more offensive to many passengers than cigarettes. For example, one individual wrote in reference to cigars and pipes that the "noxious and disgusting stink is totally intolerable." Letter of Mary M. Meisner of Pittsburgh, Pa., August 15, 1983. Another stated that since cigars and pipes "emit such a vile stench, merely segregating them to a special smoking area is insufficient protection for the non-smoking passengers on the plane." Letter of Roy R. Torcaso of Wheaton, Md., September 7, 1983.

The Board has therefore decided to adopt the proposed ban on cigar and pipe smoking.

The primary argument against such a ban was that it would place U.S. carriers at a competitive disadvantage with respect to foreign air carriers that still allowed cigar and pipe smoking.

It is doubtful, however, that traffic would be diverted to foreign air carriers by a cigar and pipe ban on U.S. carriers. Unlike cigarette smokers, cigar and pipe smokers tend to be less dependent. It should be no problem for them to abstain, especially when the cigarette option is available. Most are likely to be more concerned about scheduling or price than on whether they can puff on a cigar or pipe. Indeed, given the strong adverse reaction of many people to cigars and pipes, it would seem equally likely that U.S. carriers would gain as lose business from a ban on cigar and pipe smoking.

Especially Sensitive Persons

There is no doubt that providing special protections for passengers who are especially sensitive to smoke would be desirable. The problem is that there does not appear to be any satisfactory way to protect especially sensitive persons aboard aircraft.

In EDR-461 and EDR-461B, the Board offered two proposals. It proposed to require airlines to provide the seat, among those still available, that is farthest removed from all smoking sections, for any person that presented written medical evidence of a substantial susceptibility to tobacco smoke.

The commenters described several problems with this proposal. For instance, they contended that especially sensitive is not a recognized medical

category, so passengers could claim the privilege of special seating merely by getting a friendly doctor to write them a note. More importantly, it is unclear where especially sensitive persons should be seated in the aircraft. ASH suggested placing them in the middle of the no-smoking section. But in small or medium-sized aircraft, that may be of little value. Placing them in the front of the no-smoking section might be better, unless that left them immediately behind the first-class smoking section.

In short, it is unclear where especially sensitive persons should be seated even if it could be objectively determined who they are.

A further problem with the Board's proposal is that, upon close examination, it becomes clear that it provides little or no additional protection for especially sensitive persons. Many commenters noted that nonsmokers can already get the available seat farthest removed from the smoking section simply by requesting it. The Board's proposal, in the form proposed, would therefore add nothing.

If the Board were to require that other passengers be moved about in order to accommodate an especially sensitive passenger, the system would become unduly burdensome for airlines. It would require a second passenger reshuffling as airlines are already required to move people around if more nonsmokers show up than the designated no-smoking section can accommodate. Such a reshuffling seems particularly senseless here since, as explained above, it is uncertain whether the seat eventually assigned would be any more free of smoke.

Some airlines suggested that they could hold a reasonable number of seats for especially sensitive persons in the area of the plane they consider to be free of smoke. Oral argument transcript, p. 188. This was not an option that was proposed but the Board would strongly urge airlines to do this if it would in fact be feasible.

The Board's second proposal under the especially-sensitive heading was to ban smoking when a passenger experiences illness caused by smoking. It was strongly opposed by the airlines. They feared that such a rule could turn attention from the critical need of the ill passenger to the side question of whether smoking caused the illness or should be banned. They also noted that the cabin crew is unlikely to be able to determine the underlying cause of the illness, so needless disputes will arise. Others pointed out that if a ban on smoking was really needed in a given situation, airlines would surely respond in a humane fashion. Nonsmokers

tended to favor this proposal because they apparently feared that some airlines would not respond properly.

The Board concludes that this second proposal provides little or no additional protection for sensitive nonsmokers, and has the potential for creating even more problems for the cabin crew.

ASH argued that persons who are especially sensitive to tobacco smoke are handicapped persons and therefore entitled to special protections, or a short-flight smoking ban, under section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. That Act prohibits discrimination against qualified handicapped persons in programs and activities that receive Federal financial assistance.

It is unclear whether especially sensitive persons are handicapped within the meaning of the Rehabilitation Act. Although one court decided that they were, *Vickers v. Veterans Admin.*, 549 F. Supp. 85 (W.D. Wash. 1982), another decided that they were not, *GASP v. Mecklenburg County*, 42 N.C. App. 225, 256 S.E. 2d 477 (1979).

Even assuming that especially sensitive persons should be considered handicapped, no additional rules on smoking would be necessary. The Rehabilitation Act applies only to recipients of Federal financial assistance, that is recipients of subsidy under section 419 of the Act. Most of those receiving these subsidies are the small commuter carriers where smoking is now banned in any event.

Even on carriers where smoking is allowed, the required separate seating is sufficient to meet the nondiscrimination obligation of the Rehabilitation Act. In the *Vickers* case, even though the especially sensitive person was found to be handicapped, the court decided that the VA had not discriminated against him in part because it had provided him with a separate no-smoking area.

In addition, it is well-settled that the Rehabilitation Act would not require an airline to modify its service if that would impose undue financial or administrative burdens on it, *Southeastern Community College v. Davis*, 442 U.S. 397 (1979), *American Public Transit Association v. Lewis*, 655 F.2d 1272 (1981), *SPR-189*, 47 FR 25936, June 16, 1982. As explained above, special protections for especially sensitive persons or a short-flight smoking ban would, if adopted, have imposed such burdens on the airlines. They are therefore not adopted.

Until it is possible to mandate specific protections for especially sensitive persons that are effective, practical, and not unduly burdensome, no special provisions should be codified in the

Board's rules. Nevertheless, the Board is aware that some people are adversely affected by cigarette smoke. We believe airlines will take the necessary and proper measures to accommodate the needs of these passengers.

Ventilation

The Board's current rule on ventilation prohibits "the smoking of tobacco whenever the ventilation system is not fully functioning." 14 CFR 252.2a. This is generally referred to as the fully functioning ventilation standard. A "fully functioning" ventilation system is defined in the rule as one where "all parts are in working order and operating at the capacity designed for normal service."

The fully functioning ventilation standard was one of the provisions that had been added to the rule in 1979 (ER-1091), eliminated in 1981 (ER-1245), and then reinstated by order of the court in 1983 (ER-1245A). During the time that it was in effect, there was some dispute as to whether it required all available aircraft ventilation units to be operating full blast at all times. ASH and other groups representing nonsmokers contended that it did, while airlines did not view it that way.

The Board itself did not resolve the question when reinstating the provision. It did state, however, that "a rule that prevents airlines from adjusting their ventilation to reflect the actual needs of a particular flight is unduly restrictive." EDR-461, p.11, 48 FR, at 24921. Since the fully functioning standard could be construed as preventing such adjustments, the Board proposed to replace it in EDR-461.

The Board's primary proposal was to prohibit smoking "whenever the ventilation system is not producing adequate ventilation for the conditions that exist aboard the aircraft." This has been referred to as the "adequate" ventilation standard.

The Board also offered an alternate proposal. Under this alternate proposal, smoking would be banned "whenever the ventilation system is turned off." It was explained that this was directed toward banning smoking when the aircraft was on the ground awaiting takeoff. EDR-461, p. 11.

Nonsmokers and flight attendants favored retention of the fully functioning standard. They claimed that cabin ventilation is generally inadequate and that airlines are reducing it further to save fuel. They viewed the fully functioning standard as clear and precise, and providing them with the most protection from smoke.

Airlines and tobacco interests opposed this standard. They cited testimony of the FAA and other studies as proof that cabin air quality is good and that further regulation is not needed. They urged the Board to defer to the FAA in this area because that agency has the requisite technical expertise. Some also expressed concern that any rules on ventilation would prompt passengers to second-guess operational decisions that properly belong to airline management.

The airlines and DOT favored the Board's proposals. In their view, the Board's proposals recognized the need to rely on the crew's good judgment to maintain a safe and comfortable environment.

Nonsmokers and flight attendants did not approve of the Board's proposals. They considered "adequate" to be too vague a term. ASH stated that it was illegally vague. Neither proposal, in their view, would provide sufficient protection for the health and comfort of nonsmokers. They pointed out that the subjective decision as to how much ventilation to provide will rest with the captain, who is not in the passenger cabin and who may be under pressure to reduce ventilation to improve fuel economy. They argued that the goal of fuel efficiency could be achieved by combining a reduction in ventilation with a ban on smoking. They also suggested that the cost of the extra ventilation be recouped by charging extra for the privilege of smoking during flight.

Much of the debate about the ventilation standard centered on how many air pacs must be operating and on how much fresh air is needed per passenger. Airlines claimed that aircraft air is exchanged 15 to 20 times per hour, that passengers receive 15 to 25 cubic feet of air per minute, and that these figures exceed that which is typical of nonaviation environments. They cited the "guidelines" of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), information from the Aerospace Industries Association, and Congressional testimony of the FAA as proof of this. United Air Lines cited studies by Boeing and Lufthansa German Airlines as proof that no further regulation of ventilation is necessary.

Nonsmoker groups countered that the cabin ventilation figures relied on by the airlines were only "design values," and not the rates that occur during actual operation. They considered airline claims of many air exchanges per hour to be misleading because, they claimed, the air is recirculated air and thus already polluted with smoke. They

further claimed that the aircraft recirculation systems do not filter out many of the gases in cigarette smoke.

The airlines disagreed. They stated that many aircraft types do not recirculate air at all, so that all the air exchanged is fresh air. Those that do recirculate, according to United, limit the recirculated air to 60% of the total air. Airlines contended that aircraft recirculation systems filter out odors and cigarette smoke.

Even if the airline claims were accurate, the nonsmokers contended, higher ventilation rates are needed in places where smoking is permitted. The American Lung Association (ALA) stated that passengers need 40 to 60 cubic feet of fresh air per minute.

Again, the airlines disagreed. ATA questioned whether there is any scientific support for the claim that air levels of 40 to 60 cubic feet per minute (cfm) are needed for good health.

With respect to air pacs, nonsmokers and some flight attendants reemphasized their concerns about the air quality aboard aircraft, which they viewed as uncomfortable if not unhealthy. They insisted that this problem is exacerbated by the airline policy of turning off one air pac to save fuel.

The airlines, however, stated that the fuel savings from turning off one pac were not significant. They contended that operation of the third air pac was simply not necessary in all cases. They claimed that aircraft ventilation systems are designed with a measure of redundancy so that, at less than 100% loads, all air pacs need not be operating to ensure passenger comfort.

ASH objected to any rule that gave airlines discretion to turn off one air pac in any situation. It stated that giving airlines such discretion would, in effect, be allowing equipment manufacturers to set ventilation rates. They feared that airlines would be able to evade the fully functioning requirement by obtaining instructions from the aircraft manufacturer that only two air pacs were necessary in a particular situation. In ASH's view, this would constitute an unlawful delegation of agency rulemaking authority to private parties.

To prevent airlines from exercising this sort of discretion, ASH urged the Board to delete the reference to "normal service" in that part of the rule that defines fully functioning. It considered this at odds with the explanatory statement accompanying the adoption of the fully functioning standard (ER-1091). There the Board has stated that when ventilation is cut back for any reason, smoking should be prohibited. ASH viewed this statement as more

accurately representing the meaning of the fully functioning standard.

ASH and many nonsmokers also asked that smoking be banned when the aircraft is on the ground awaiting takeoff. They stated that at such times ventilation is inadequate or even nonexistent.

Given the airlines' reliance on their ventilation system as the basis for allowing any smoking, the Board again concludes that that system must be fully functioning if smoking is to be permitted. The adequate ventilation proposal is simply too vague to provide any real basis for regulating in this area.

The Board is also adopting the alternative proposal to ban smoking when the ventilation system is turned off, but with some modifications. As noted above, this alternative proposal was directed toward the problem of smoking when flights are delayed on the ground.

This proposal received widespread support. ATA stated that, if adopted, it could be incorporated into the captain's manual, thereby fostering compliance. Nonsmokers also supported it but were concerned that it did not go far enough. They pointed out that when the aircraft is on the ground, the engines are idling and that, as a result, the ventilation system is operating at a very low level, if at all. They urged a total ban on smoking when the aircraft is on the ground awaiting takeoff.

The Board has decided to adopt the proposal to ban smoking when the aircraft is on the ground. The fully-functioning standard will apply only when the aircraft is in the air.

The smoking ban on the ground will apply even if the ventilation system is on. Airlines did not rebut the nonsmokers' arguments about the inadequacy of aircraft ventilation when the aircraft is on the ground. The Board concludes that in such situations the ventilation system is operating at a level that is too low to provide adequately for nonsmokers' comfort. The Board is adding a separate paragraph codifying this particular smoking ban (§ 252.3(b)). In light of the comments, it views such a ban as justifiable under the fully functioning standard as well.

This smoking ban will provide important protections for nonsmokers without imposing a serious additional burden on smokers. The no-smoking sign is now typically on preceding take-off in any event. This will now be mandatory. The change in the rule adopted from that which was proposed should not make compliance any more difficult for airlines or their pilots. This

smoking ban is simple and straightforward.

The Board is also by this rule resolving the question raised by commenters concerning the meaning of "fully functioning." It is true that the Board did make a statement in ER-1091, at p. 16, that implied that the fully functioning standard requires airlines to operate all pacs at all times when smoking is allowed. But this statement was made without the benefit of notice and comment, and does not have decisive weight here in light of the information we acquired during this proceeding.

The Board is inclined to accept the views of the airlines and aircraft manufacturers about the capabilities of their ventilation systems. These groups state that all pacs need not be operating, at passenger loads of less than 100%, to provide design ventilation levels. Aircraft systems are constructed with a significant amount of redundancy.

The Board concludes that, based on the information now available to it, requiring all air pacs to be operating at a maximum capacity at all times that smoking is allowed would go too far. Such a rule may impose substantial fuel/cost penalties at a time when airlines are going to great lengths to save fuel and other costs.

The Board does not decline to adopt such a rule merely out of a concern for carrier costs or fuel savings. Specifying how aircraft systems should be operated goes beyond the Board's traditional regulatory function and may encroach on the FAA's jurisdiction to regulate the operation of aircraft.

Furthermore, if the Board were to require airlines to operate all air pacs when smoking was allowed, it would create a perverse incentive for airlines to reduce, or have aircraft manufacturers reduce, overall ventilation capacity. This would not benefit nonsmokers.

But the Board does agree with nonsmokers that airlines cannot be allowed absolute discretion over their ventilation systems when passengers are smoking. Since the rule's current definition of fully functioning ("in working order and operating at the capacity designed for normal service") has been interpreted by some as granting such discretion, the Board is replacing it. As revised, the rule makes it clear that fully functioning means operating so as to provide the level and quality of ventilation specified and designed by the manufacturer for the number of persons currently in the passenger compartment.

Although there are some differences among aircraft types, the comments

indicate that aircraft ventilation is now "specified and designed" by the manufacturers to provide 15 to 25 cubic feet of air per person per minute.¹ The Board declines at this time to attempt to set an absolute quantitative limit with respect to ventilation rates or other aspects of air quality. It assumes, however, in light of the intense public interest in the matter, that airlines and manufacturers will not weaken the current design standards, and that if they were to do so, further regulatory action might be required.

The Board recognizes that some feel that even higher rates are needed where smoking is permitted. But that would probably require technical modifications in aircraft that are beyond the scope of this proceeding.

The Board recognizes that flight attendants, because of longer exposure, are in a different position from passengers with respect to passive smoking. Their working conditions, however, are the direct concern of agencies other than the CAB. Congress is now considering the question of aircraft cabin quality in S. 197, which would fund a major study on the subject.

The Board does not consider its approach to the ventilation issue to constitute an improper delegation to private parties. The law in this area "has not crystallized any consistent principles." Davis, *Administrative Law Treatise*, § 3:12. In the Board's view, an improper delegation would only exist in this situation if aircraft manufacturers or nonsmokers were allowed to impose a specific ventilation level on carriers, for "one person may not be entrusted with the power to regulate the business of another." * * * *Carter v. Carter Coal Co.*, 298 U.S. 238, 311 (1936). Here the Board is merely relying on information from the private parties in order to establish a rule.

The Board also considers its approach to the ventilation issue to be consistent with that of the FAA, the agency with the greater technical expertise in this area. FAA officials have testified that, in certain circumstances, operation of only one air pac would be sufficient, S. Rep. No. 98-54, 98th Cong., 1st Sess. 15 (1983). They further testified that there is no evidence to indicate that permitting airlines "to dispatch with a ventilation pac inoperative or shut down has

created a ventilation problem," *id.*, p. 12. They pointed out that there is much in the aircraft that is designed "with redundant systems, systems that exceed what is required by * * * passenger comfort" and that "that is true in the ventilation systems." *id.*, p. 14.

Unreasonable Burden

The "unreasonably burdened," sandwiching, or drifting smoke rule, as it is variously known, was first adopted by the Board in 1979 (ER-1091). Originally, the Board had proposed that sandwiching, the placement of a non-smoking section between two smoking sections, be prohibited (EDR-306). This, however, was not adopted by ER-1091. Instead, the Board, in ER-1091, adopted a lesser requirement that airlines ensure that nonsmokers are not "unreasonably burdened" if they are sandwiched between two smoking sections. This requirement was codified in § 252.2(e), now § 252.2(a)(4), of the Board's rule.

In addition to the new § 252.2(e), ER-1091 also revised the introductory paragraph of § 252.2. As revised, the term "unreasonably burdened" appeared there as well. It was explained in ER-1091 that the term was meant "to place a special burden on carriers who use" a sandwiching configuration. The explanation did not explain why the term appeared twice in the rule, but there was no indication that any other practice beside sandwiching was to be affected by it.

Nevertheless, nonsmoking parties have argued that the term also prohibits such practices as longitudinal separation of smokers and nonsmokers, smoking by crew members, and drifting smoke. The Board itself has not accepted their position on these issues, viewing the introductory paragraph as stating the goal of the requirements that followed in § 252.2(a)(1)-(a)(4) rather than being a requirement itself. ER-1245A, p.3.

The Board has decided to keep the "unreasonably burdened" language in § 252.2(a)(4) where it explicitly pertains to sandwiching, but delete it from the introductory paragraph of § 252.2 where its purpose is unclear. The term is vague in the introductory paragraph. However, in § 252.2(a)(4) it can be viewed as creating a presumption against sandwiching, a practice that in the past generated many complaints.

In the introductory paragraph, however, the term is merely redundant. If there are additional problems that the Board should deal with, it would be better to institute a new rulemaking rather than to rely on a vague provision

¹ There was a wide range of comments on this issue. As noted above, the ALA claimed that 60 cubic feet per person per minute was necessary. Others cited evidence that rates as low as 5 cubic feet per person per minute would be "adequate" (ASHRAE Handbook and Product Directory, 1978 Applications, p. 9.2.) But most commenters seemed to agree that 15 to 25 cfm per person were what aircraft were typically designed for.

that was intended to deal with sandwiching only.

The Board does not agree that this term, even if retained, would have any bearing on the general problem of drifting smoke. In the Board's view, the current system of separating smokers from nonsmokers works reasonably well in protecting nonsmokers from drifting smoke, especially in light of the frequent air exchanges of which the aircraft is capable. Retaining this term in the introductory paragraph would produce no further benefits. Arguments about drifting smoke are therefore no basis for keeping this term in the introductory paragraph of § 252.2.

It is also unnecessary to keep this term to deal with the problem of cabin crew smoking in the no-smoking section. In the Board's view, that is already prohibited by Part 252.

Cabin crew smoking. Section § 252.2(a)(1) requires airlines to provide a "no-smoking area for each class of service * * *". It should be obvious that the required no-smoking area cannot have smokers smoking in it.

Furthermore, under § 252.3, **Enforcement**, (now § 252.6), each air carrier is obligated to "take such action as is necessary to ensure that smoking is not permitted in no-smoking sections * * *". No distinction is made between passengers and crew. It cannot be said that this provision means that the no-smoking rule is to be enforced only with respect to passengers. The Board understands it to mean that this rule must be enforced for all aboard the aircraft, including the crew.

To make this clear, the phrase "by passengers or crew" is inserted so that the section now reads "Each air carrier shall take such action as is necessary to ensure that smoking by passengers or crew is not permitted in the no-smoking sections * * *". Since this amendment is interpretative in nature, the Board finds that notice and public procedure are unnecessary. Any staff interpretations of Part 252 that are inconsistent with the above are overruled.

It is not the intention of this interpretation to entirely prevent those crew members who wish to smoke from doing so. But the airlines cannot carve out niches within or adjacent to the areas where nonsmokers are assigned, such as a jump seat or the galley area, and declare that they are not part of the no-smoking area. Crew members may still smoke in the designated smoking area.

Also, if an area adjacent to the no-smoking section is enclosed and separate from that section, a crew member could smoke there. Thus,

nothing in this interpretation would affect the captain's ability to permit smoking in the cockpit when the door to the passenger area is closed. DOT has informed us that a FAA study found that banning smoking in the flight deck area could jeopardize safety by causing "tension, depression, irritability, difficulty in concentration * * * and impaired performance", Dille and Linder, "The Effects of Tobacco on Aviation Safety" 6 (1980).

On the other hand, a mere curtain, which is all that usually stands between the galley and the rest of the no-smoking area, would not be sufficient. See flight attendant testimony at Transcript p. 150.

Additional Suggestions

Many more requirements, not proposed by the Board, were suggested by commenters. These included separate flights for smokers and nonsmokers, separate sections in airport waiting area, partitions between smoking and no-smoking sections, and smoke detectors in the aircraft lavatories.

There are substantive reasons for not adopting most of these proposals.

Separate flights. Separate smoking and no-smoking flights would be economically impractical, except on the most heavily traveled routes. Even for those, such a requirement would be sure to create problems if a nonsmoker sought a flight at the time the smoking flight was departing or when the no-smoking flight was full. In addition, a Board requirement that there be separate flights for smokers and nonsmokers at about the same time might violate the prohibition in section 402(e)(4) of the Act against regulating carrier schedules.

Airport waiting rooms. Separate sections in airport waiting areas may be desirable, but this is beyond the jurisdiction of the CAB. Airports are typically controlled by a local airport authority or the U.S. Department of Transportation. Suggestions about smoking and no-smoking sections should be directed to them, or to the airline involved.

Partitions. The Board considered the issue of partitions in EDR-377, 44 FR 29846, May 21, 1979, but rejected it in ER-1245 and ER-1245A, 48 FR at 24867-24868. The main problem with partitions has been the difficulty in finding one that is substantial enough to block the smoke but that can still be moved at the last minute to accommodate an unexpectedly large number of nonsmokers as is required by § 252.2(a)(3). Many nonsmokers seemed to feel that a simple curtain would not be enough. For example, Meyer Sharlin, a nonsmoking passenger, commented

that a "curtain is not a deterrent to drifting smoke * * *".

In addition, the ATA in its reply comments cited many problems with partitions. These included both safety and practical problems. It stated that a partition would block the passengers' view of the flight attendants' instructions and demonstrations before takeoff or during an emergency. It was concerned that a partition would interfere with a passenger's ability to recline the seat or to use the fold-down trays. It also questioned whether a curtain could be attached to the overhead rack as ASH had claimed.

Smoke detectors. The smoke detector suggestion is the most worthwhile one. Smoke detectors, being closely related to aircraft fire safety, are within the jurisdiction of the FAA, not the CAB. Some airlines have voluntarily installed them. The FAA recently proposed that each lavatory and galley be equipped with a smoke detector system. 49 FR 21010, May 17, 1984. The Board strongly urges them to adopt this proposal as a final rule. The installation of smoke detectors would be an important step in improving aircraft flight safety.

Final Regulatory Flexibility Analysis

The discussion above constitutes the Board's final regulatory flexibility analysis of this rule under 5 U.S.C. 604. Copies of this document can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428, (202) 673-5432, by referring to the "ER" number at the top of the document.

List of Subjects in 14 CFR Part 252

Air carriers, Consumer protection, Smoking.

Chairman McKinnon concurred. Vice Chairman McConnell and Member Smith concurred and dissented and filed separate concurring and dissenting statements. Member Morales dissented and concurred and filed a dissenting and concurring statement. Member Schaffer dissented on the issue of short flights and concurs on all other issues.

Members' Statements

McConnell, Vice Chairman, Concurring and Dissenting

I agree with the majority that we should neither expand our rules to include a governmental ban on smoking on "short" flights or attempt to devise a special provision to define and protect "sensitive" passengers.

However, there are several issues on which I cannot agree with the majority.

First, it has been our policy to minimize government intervention in the operations of all airlines but especially

operators of small aircraft. Many small carriers already ban smoking. Therefore, expanding the smoking regulations to this group of carriers is an unnecessary regulatory burden.

Second, the majority vote to ban cigar and pipe smoking is meaningless. Almost all airlines ban pipes and cigars to enhance the comfort of passengers. The cigar and pipe prohibition by most airlines shows that carriers respond to consumer comfort. A rule to require these actions which most carriers already take is doubly intrusive. Similarly, most U.S. airlines prohibit smoking when the aircraft is on the ground.

With respect to ventilation systems, this is an area with which the Board has little expertise for which the record offered no clear standard on which to rely. The Board should leave operation of the ventilation system to the experts running the airlines.

Finally, I believe the majority straddled the fence on what to do about language proclaiming the "sandwiching" of a non-smoking sections between smoking sections may "unreasonably burden" the non-smoker, and language that states that the purpose of our rules is to ensure non-smokers are not "unreasonably burdened". The majority retained the former and eliminated the latter. If the standard is impractical and legally insufficient, as I believe it is, in one context, it is for the other. It can only lead to further interpretation and regulation, which is exactly the opposite of where we should be heading.

Procedurally, I believe that we should ask for comment under the Administrative Procedure Act for certain matters included in this rule: the change in definition of small aircraft, and to ban smoking when the aircraft is on the ground. These issues were not sufficiently addressed by the Board in its notice, and deserve comment before Board action.

Smoking is a strong concern for all—carriers, smokers and non-smokers. The changes adopted by the majority are simply not needed and in some cases meaningless. Further, the vast majority of passengers are neither smokers nor especially sensitive to smoking. All passengers and their smoking preferences can be accommodated voluntarily by the airlines without government intervention. I believe that the airlines are in the best position to determine whether and when,

passengers should be allowed to smoke. (Signed) Barbara E. McConnell.

Smith, Member, Concurring and Dissenting

As I have stated in the past, it is inappropriate to create a line of distinction for smoking regulations on aircraft at 30 seats. Similar Board regulations use 60 seats as the determining factor and aircraft with 60 seats or less should not be subject to any smoking regulations at all. There is no empirical evidence that federal regulations banning smoking on 30 seat aircraft is necessary.

The order acknowledges that many commuter airlines ban smoking and nothing prohibits others from doing so. By definition, a commuter airline operates aircraft up to 60 seats. A 30-seat smoking regulation would require an unnecessary federal requirement and an administrative burden on carriers with mixed fleets.

The prohibition of smoking on airline crew areas was never fully argued, nor was a record developed. It is inappropriate to "interpret" smoking regulations into crew area applications without due process.

(Signed) James R. Smith.

Morales, Member, Dissenting and Concurring

I must dissent from the Board's decision in this rulemaking. As I noted when the Board instructed the staff on this rule a few months ago, I have consistently favored stricter restraints on smoking aboard aircraft. While a majority of the Board then favored the rule which is adopted today, I did so because there was not a majority to adopt stricter rules. However, it appeared that in reviewing the provisions of the rule adopted today, the opinions of some Members of the Board had shifted to favor additional restraints. They proposed adopting a ban on smoking on short flights of 2 hours or less. In my opinion, the reasons supporting a 2-hour ban also support a total ban on smoking aboard aircraft, and in fact are even more persuasive when considered against that goal. In my opinion, when compared to a 2-hour ban, the total ban would be more fair to all carriers. No carrier of any size or with any particular route structure would be considered potentially at any type of competitive disadvantage.

• To whatever extent the short flight or small aircraft bans might cause certain administrative complications for

crew members, that potential difficulty is eliminated.

• To the extent that smoking is a potential fire hazard, the risk is eliminated.

• To the extent that passive smoking is indeed injurious to the health of non-smokers, that argument is put to rest.

• To the extent that the cumulative effects of smoke-filled planes cause health problems for flight attendants, working conditions would be considered improved. Medical expenses for carriers and personnel could potentially be lower and productivity might increase.

• To whatever extent carriers must now add additional ventilation (through use of additional air packs) to compensate for smoking and air quality considerations, those additional efforts could be eliminated and thereby cause a potential savings of fuel and cost.

• The portions of Congress' study dealing with cabin safety and air quality as it relates to smoking would be rendered moot.

• It has been well documented that the by-products of smoke from cigarettes clog the moving parts of planes, thus adding to the maintenance costs for carriers. A ban could indeed translate into cost savings.

While I sought support for a total ban when the shift in Board opinion became obvious, it was clear that there was not a majority for that option. Lacking that support, I would have joined in a decision to ban smoking on aircraft for 2-hour flights or less. The 2-hour ban would have affected 85-90% of all domestic flights, a result close to the one I consider optimal. Additionally, because of the high percentage of affected flights, potential competitive disadvantages would be minimized.

Since a majority no longer favors the 2-hour ban, and since it is not the most desirable result in my opinion, I will state my preference for a total ban, which would have eliminated a plethora of problems. I favor such a ban, and consequently I must dissent from the rule finally adopted by the majority today.

(Signed) Diane K. Morales.

Because without my vote there would not be a majority to ban pipe and cigar smoking and smoking on aircraft of less than 30 seats, I will join Chairman McKinnon and Member Schaffer in voting to do so. I will also concur in the interpretation of the rule which prohibits

smoking by crew members in galleys located in the non-smoking section.
(Signed) DKM

Final Rule

PART 252—[AMENDED]

Accordingly, the Board amends 14 CFR Part 252, *Smoking Aboard Aircraft*, as follows:

1. The authority for Part 252 is:

(Secs. 204, 404, 407, and 416, Pub. L. 85-726, as amended, 72 Stat. 743, 760, 766, 771, 49 U.S.C. 1324, 1374, 1377, 1386)

2. The table of contents is revised to read:

* * * * *

- 252.1 Applicability.
- 252.2 Non-smoking sections.
- 252.3 Ventilation systems.
- 252.4 Cigars and pipes.
- 252.5 Small aircraft.
- 252.6 Enforcement.
- 252.7 Waivers.

3. Section 252.1 is revised to read:

§ 252.1 Applicability.

This part establishes rules for the smoking of tobacco aboard aircraft. It applies to all operations of direct air carriers, except on-demand services of air taxi operators. Nothing in this regulation shall be deemed to require carriers to permit the smoking of tobacco aboard aircraft.

§ 252.1a [Removed]

4. Section 252.1a, *Special segregation of cigar and pipe smokers*, is removed.

5. In § 252.2, the introductory paragraph of paragraph (a) is revised as follows:

§ 252.2 No-smoking sections.

(a) Except as provided in paragraph (b) of this section, air carriers, when operating aircraft designed to have a passenger capacity of 30 seats or more, shall provide at a minimum:

* * * * *

6. Section 252.2a, *Ban on smoking when ventilation systems not fully functioning*, is renumbered § 252.3, retitled, *Ventilation systems*, and revised to read as follows:

§ 252.3 Ventilation systems.

(a) Carriers shall adopt and enforce rules prohibiting the smoking of tobacco whenever the ventilation system is not fully functioning. Fully functioning for this purpose means operating so as to provide the level and quality of ventilation specified and designed by the manufacturer for the number of persons currently in the passenger compartment.

(b) Carriers shall adopt and enforce rules prohibiting the smoking of tobacco whenever the aircraft is on the ground.

7. A new § 252.4 is added to read:

§ 252.4 Cigars and pipes.

Carriers shall adopt and enforce rules prohibiting the smoking of cigars and pipes aboard aircraft.

8. A new § 252.5 is added to read:

§ 252.5 Small aircraft.

Carriers shall adopt and enforce rules prohibiting the smoking of tobacco on aircraft designed to have a passenger capacity of less than 30 seats.

9. Section 252.3 *Enforcement*, is redesignated § 252.6 and is revised, to read:

§ 252.6 Enforcement.

Each air carrier shall take such action as is necessary to ensure that smoking by passengers or crew is not permitted in no-smoking sections and to enforce its rules with respect to the banning of smoking or the separation of passengers in smoking and no-smoking areas.

§ 252.7 [Redesignated from § 252.4]

10. Section 252.4 *Waivers*, is redesignated § 252.7.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-16478 Filed 6-19-84; 8:45 am]

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Price: \$1.50

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To designate June 14, 1984, as "Baltic Freedom Day". (June 15, 1984; 98 Stat. 244)
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S.J. Res. 289/Pub. L. 98-319

To designate June 18, 1984, as "National Child Passenger Safety Awareness Day". June 18, 1984; 98 Stat. 246)
Price: \$1.50

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