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Friday
August 10, 1984

Selected Subjects

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1036

Milk in the Eastern Ohio-Western Pennsylvania Marketing Area; Order Suspending Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This suspension order reduces the delivery requirement for supply plants regulated under the Eastern Ohio-Western Pennsylvania milk order during each of the months of September through November 1984. Specifically, the action reduces from 40 percent to 30 percent the portion of a supply plant's receipts that must be delivered to distributing plants to qualify the supply plant as a pool plant in such months. The action was requested by a cooperative association that represents a substantial number of producers who supply milk for the market. The action is needed to prevent supply plant operators from making uneconomic deliveries of milk during these three fall months solely for the purpose of assuring that dairy farmers who have been historically associated with the fluid market will continue to have all of their milk priced and pooled under the order.

EFFECTIVE DATE: August 10, 1984.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued July 5, 1984; published July 12, 1984 (49 FR 28408).

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on July 12, 1984 (49 FR 28408) concerning a proposed suspension of certain provisions of the order. Interested persons were given an opportunity to file written data, views, and arguments thereon. No views opposing this action were received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for the months of September through November 1984 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1036.7(b), the provisions "not less than 40 percent during the months of September, October and November and" and "in all other months,".

Statement of Consideration

This action reduces by 10 percentage points for September through November 1984 the portion of a supply plant's receipts that must be delivered to distributing plants to qualify the supply plant as a pool plant. Presently, the order requires a supply plant to deliver 40 percent of its receipts to distributing plants to qualify it as a pool plant during the months of September through November. In the other months the delivery requirement is 30 percent. The suspension action reduces the delivery requirements from 40 percent to 30 percent during the months of September-November 1984.

This action was requested by Milk Marketing Inc. (MMI), a cooperative that represents a substantial number of producers who supply milk for the Eastern Ohio-Western Pennsylvania market. As a basis for its request, proponent cited the market's supply-demand situation which is unchanged from last year when the same provisions were suspended for September through November 1983. MMI expects the supply-demand imbalance to continue through the fall of 1984. Proponent contended that, without the suspension, the cooperative may have to make uneconomic milk deliveries during September-November 1984 to assure that its producers who have been historically associated with the fluid market will continue to have all of their milk priced and pooled under the order.

Market data indicate that the supply-demand situation is unchanged from last year. For instance, during the months of January-May 1984, 53 percent of the market's producer milk was used in Class I. The Class I utilization percentage was the same during the comparable five-month period of 1983. Such a market environment could result in uneconomic movements of milk by supply plant operators solely to maintain pool status for the market's reserve milk supplies.

In view of these circumstances, it is concluded that a reduction of a pool supply plant's delivery requirement for the months of September through November 1984 will prevent uneconomic movements of milk supplies that are in excess of the market's fluid milk needs. Also, it will result in considerable savings in plant handling and hauling costs.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area for the months of September through November 1984;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this

suspension. No comments were filed in opposition to this action.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1036

Milk marketing orders, Milk, Dairy products.

PART 1036—AMENDED

§ 1036.7 [Temporarily suspended in part]

It is therefore ordered, That the following provisions in § 1036.7 of the Eastern Ohio-Western Pennsylvania order are hereby suspended for the months of September through November 1984:

In § 1036.7(b), the provisions "not less than 40 percent during the months of September, October and November and" and "in all other months,".

Effective Date: August 10, 1984.

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

Signed at Washington, D.C., on August 3, 1984.

Karen K. Darling,

Deputy Assistant Secretary, Marketing & Inspection Services.

[FR Doc. 84–21298 Filed 8–9–84; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 1139

Milk in the Lake Mead Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action continues for the months of september and October 1984 the suspension of certain provisions of the Lake Mead Federal milk order. The suspension removes the limit on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool plants and still be priced and pooled under the order. Also suspended is the requirement that 20 percent of a dairy farmer's monthly milk production be received at a pool plant in order for the remaining production to be eligible to be moved directly from the farm to nonpool manufacturing plants and still be priced and pooled under the order.

The suspension is based on evidence presented at a public hearing held in August 1983 to consider amendments to the order, including proposals to change the diversion qualification requirements for the pooling of producer milk under the order. Lake Mead Cooperative Association, which represents producers who supply the market, requested that the suspension of the diversion requirements be continued pending a decision on whether those provisions of the order should be amended to enable the cooperative to handle efficiently the reserve milk supply for the Lake Mead market. The suspension will promote the efficient handling of the market's reserve milk supply, and the pooling of milk of producers who regularly have been associated with the market.

EFFECTIVE DATE: August 10, 1984.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–2089.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued August 1, 1983; published August 5, 1983 (48 FR 35652).

Extension of Time for Filing Briefs: Issued October 7, 1983; published October 14, 1983 (48 FR 46797).

Suspension Order: Issued December 6, 1983; published December 12, 1983 (48 FR 55276).

Suspension Order: Issued April 19, 1984; published April 27, 1984 (49 FR 18081).

Recommended Decision: Issued June 12, 1984; published June 15, 1984 (49 FR 24736).

Extension of Time for Filing Exceptions: Issued July 11, 1984; published July 17, 1984 (49 FR 28855).

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and would tend to insure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Lake Mead marketing area.

It is hereby found and determined that for the months of September and October 1984 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1139.13(d)(2), the language "from whom at least 20 percent of his milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plant during the month."

2. In § 1139.13(d)(3), the language "from whom at least 20 percent of his milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plant from producers and for which the operator of such plant is the handler during the month."

Statement of Consideration

This action makes inoperative, for September and October 1984, the requirement regarding the percentage of a dairy farmer's monthly milk production that must be received at a pool plant for the remaining production to be priced and pooled under the order. In addition, this action continues a suspension that has been in effect since April 1982 (47 FR 17036, 47 FR 38496, 47 FR 55201, 48 FR 16028, 48 FR 38205, 48 FR 55276, 49 FR 18081) which removes the limit on the amount of producer milk that a cooperative association or other handler may divert to nonpool plants. The order now provides that cooperatives and pool plant operators may divert to nonpool plants up to 30 percent during the months of March through July and 20 percent in other months of the producer milk which they cause to be received at pool plants.

Continuation of the suspension until such time as amendatory action can be completed was requested by the Lake Mead Cooperative Association, which supplies a substantial part of the market's fluid milk needs and handles most of the market's reserve supplies. The cooperative association requested the suspension to provide for greater efficiencies in handling the market's reserve milk supply.

The issue of whether or not it is appropriate to require Lake Mead producers to deliver specified percentages of their milk to a pool plant as a condition for diverting milk to a nonpool plant as producer milk was one of the subjects considered at a public hearing on August 16–17, 1983. Lake Mead Cooperative Association proposed that no percentage delivery requirement apply to the total milk marketed by a cooperative association for its members, and that only one day's production of an individual producer be required to be delivered to pool plants per month.

According to testimony presented at the hearing, the need to handle an

increasing quantity of reserve milk supplies is the result of a continuing imbalance between the market's fluid milk requirements and the milk supplies available from producers. Milk production continues to be heavy without a corresponding increase in sales to fluid milk outlets. As a result of these marketing conditions, the order limits on the quantity of milk that may be moved directly from farms to nonpool plants and still be priced under the order have been suspended since April 1982. Unless the suspension is continued, some of the milk of producers who regularly have supplied the fluid market would have to be moved, uneconomically, first to pool plants and then to nonpool manufacturing plants, in order to continue producer status for such milk.

A suspension of the order requirement that 20 percent of a dairy farmer's monthly milk production must be received at a pool plant in order for the remaining quantity to be eligible for diversion to nonpool plants has been in effect since May 1983. The record of the hearing indicates that unless such suspension is continued, substantial quantities of milk of individual producers who are located farthest from the market must be shipped to pool plants solely for diversion qualification purposes. The shipment of distantly located milk supplies to pool plants displaces the milk of other producers who are located nearer to the distributing plants. Such milk must then be shipped to distant outlets for surplus disposal. Proponent testified that without the continued suspension of the provisions indicated, handlers would incur unnecessary hauling costs because of the need to receive the milk of individual producers at a pool plant in order for milk of such producers to be eligible for diversion to nonpool plants. Suspension of these requirements will eliminate the need to make costly and inefficient movements of producer milk solely for the purpose of pooling the milk of dairy farmers who have been associated regularly with the market.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that the most efficient method of handling milk not needed for the fluid market is by direct movements from producer's farms to manufacturing outlets. This suspension allows for such economical movements of milk while the dairy farmers involved retain producer status;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The marketing problems that provide the basis for this suspension action were fully reviewed at a public hearing held on August 16–17, 1983, at Las Vegas, Nevada, where all interested parties had an opportunity to be heard on this matter.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1139

Milk marketing orders, Milk, Dairy products.

PART 1139—[AMENDED]

§ 1139.13 [Temporarily suspended in part]

It is therefore ordered, That the following provisions in § 1139.13 of the Lake Mead order are hereby suspended for the months of September and October 1984:

1. In § 1139.13(d)(2), the language "from whom at least 20 percent of his milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the month."

2. In § 1139.13(d)(3), the language "from whom at least 20 percent of his milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plant from producers and for which the operator of such plant is the handler during the month."

Effective Date: August 10, 1984.

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

Signed at Washington, D.C., on August 3, 1984.

Karen K. Darling,

Deputy Assistant Secretary, Marketing & Inspection Services.

[FR Doc. 84–21299 Filed 8–9–84; 8:45 am]

BILLING CODE 3410–02–M

Food Safety and Inspection Service

9 CFR Parts 318 and 381

[Docket No. 83–021C]

Titanium Dioxide in Isolated Soy Protein; Correction

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on isolated soy protein that appeared in the **Federal Register** of May 9, 1984 (49 FR 19621). This action is necessary to correct cross references.

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

SUPPLEMENTARY INFORMATION: On May 9, 1984, the Food Safety and Inspection Service (FSIS) published a final rule in the **Federal Register** (49 FR 19621) which revoked the requirement that isolated soy protein used as an ingredient in meat and poultry products must contain titanium dioxide. In so doing, FSIS deleted paragraph (b) (11) of § 318.6 and redesignated paragraph (b)(12) as paragraph (b)(11). Similarly, FSIS removed paragraph (e) of § 381.147 of the poultry products inspection regulations and redesignated paragraph (f) as paragraph (e).

Section 318.1(f) of the Federal meat inspection regulations provides that isolated soy protein meet the requirements of § 318.6(b)(11), which was removed by the May 9 final rule. FSIS inadvertently overlooked this provision and did not remove it from the Federal meat inspection regulations. This document removes § 318.1(f) and reserves it.

Additionally, there are several cross references in the poultry products inspection regulations to § 381.147(f), which was redesignated as § 381.147(e) by the May 9 rule. FSIS failed to amend those references to correspond with the redesignated paragraph (e).

Accordingly, FSIS amends the meat and poultry inspection regulations as follows:

PART 318—[AMENDED]

1. Section 318.1(f) of the Federal meat inspection regulations (9 CFR 318.1(f)) is removed and reserved as follows:

§ 318.1 Products and other articles entering official establishments used in preparation of products.

* * * * *

(f) [Reserved]

* * * * *

PART 381—[AMENDED]

§ 381.145 [Amended]

2. In § 381.145(h) of the poultry products inspection regulations (9 CFR 381.145(h)), the reference to "§ 381.147(f)(3)" is changed to read "§ 381.147(e)(3)".

§ 381.147 [Amended]

3. In section 381.147(e)(1) of the poultry products inspection regulations (9 CFR 381.147(e)(1)), the reference to "§ 381.147(f)(4)" is changed to read "§ 381.147(e)(4)".

4. In § 381.147(e)(3) of the poultry products inspection regulations (9 CFR 381.147(e)(3)), the reference to "paragraph (f)(1)" is changed to read "paragraph (e)(1)", and the reference to "paragraph (f)(4)" is changed to read "paragraph (e)(4)".

Done at Washington, DC, on August 2, 1984.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 84-21300 Filed 8-9-84; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 0

[Docket No. 3119-4045]

Disciplinary Action Concerning Post-Employment Conflict of Interest Violations

AGENCY: Office of the Secretary, Commerce.

ACTION: Final rule.

SUMMARY: These regulations establish administrative procedures for determining whether a former Department of Commerce employee has violated post-employment restrictions and, if so, for imposing sanctions and conducting administrative appeals. Such sanctions are authorized by the Ethics in Government Act of 1978, as amended.

EFFECTIVE DATE: September 10, 1984.

FOR FURTHER INFORMATION CONTACT: David Maggi, Attorney Advisor, Office of General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Room 5882, Washington, D.C. 20230, telephone: (202) 377-5017.

SUPPLEMENTARY INFORMATION: These regulations implement 18 U.S.C. 207(j) which authorizes the heads of departments to establish procedures for determining whether a former employee has violated post-employment conflict of interest restrictions and, if so, for taking disciplinary actions against such former employees. Proposed regulations were published on pages 55479–55481 of the **Federal Register** of December 13, 1983, and invited comments to be received by February 13, 1984. No comments have been received. Therefore, the regulations are adopted without change and are set forth below.

Major Provisions

The proposed regulations include the following major provisions:

(1) *Investigations.* Section 0.735–41 provides that the Inspector General shall investigate all violations of 28 U.S.C. 207 and shall coordinate such investigations with the Department of Justice. The investigations shall be conducted in such a way as to protect the privacy of former employees.

(2) *Initiating proceedings.* Section 0.735–42 provides that the Director for Personnel and Civil Rights shall initiate disciplinary actions by proposing sanctions against a former employee if there is reasonable cause to believe the former employee violated post-employment restrictions.

(3) *Notice.* Section 0.735–43 provides that a former employee against whom disciplinary proceedings have been initiated shall be notified of the proposed action and the procedure for challenging imposition of sanctions.

(4) *Hearing.* Section 0.755–43 provides that a former employee against whom disciplinary proceedings have been initiated has a right to a hearing before an impartial and qualified examiner. The hearing shall have liberal rules of evidence similar to those for the Merit Systems Protection Board and there shall be no compelled discovery. The examiner shall uphold the agency action if an examination of all the evidence indicates a violation of post-employment restrictions by a preponderance of the evidence. The examiner determines only whether there has been a violation and does not review the reasonableness of the proposed sanctions.

(5) *Decision absent a hearing.* Section 0.735–45 provides that a former employee who does not request a hearing in a timely fashion waives his or her right to a hearing. In such a case, the Director for Personnel and Civil Rights or designee shall render a decision after providing the former employee an opportunity to submit documentary evidence.

(6) *Appeals.* Section 0.735–46 provides that the initial administrative decision may be appealed to the Assistant Secretary for Administration who will render a decision on the basis of the written record. Section 0.735–48 provides for judicial review.

(7) *Sanctions.* Section 0.735–47 provides that sanctions which the Director for Personnel and Civil Rights may impose include prohibiting the former employee from making on behalf of any other person except the United States, any formal or informal appearance or communication with the Department or any sub-unit thereof for a period of up to five years or any other appropriate disciplinary action including any lesser included sanction of those proposed in the notice to the former employee.

Actions Associated With Rulemaking

Under Executive Order 12291, the Department must judge whether a regulations is "Major" and, therefore, subject to the requirement that a Regulatory Impact Analysis be prepared. These regulations are not Major because they are not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. These regulations were submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The regulations will not impose a collection of information requirement for purposes of the Paperwork Reduction Act.

The General Counsel of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities because the impact will be solely on former Department employees who may have violated post-employment restrictions and are, as a result, subjected to sanctions as set forth in the regulations. As a result, neither an initial nor final Regulatory Flexibility Analysis was prepared.

The Department also determined that these regulations do not directly affect

the coastal zone of any State with an approved coastal zone management program.

These proposed regulations have been reviewed and approved by the Office of Government Ethics of the Office of Personnel Management as required by 18 U.S.C. 207(j).

List of Subjects in 15 CFR Part 0

Conflict of interests, Government employees.

Marilyn G. Wagner,

Assistant General Counsel for Administration.

Dated: August 3, 1984.

15 CFR Part 0 is amended by adding a new Subpart H as follows:

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

* * * * *

Subpart H—Disciplinary Actions Concerning Post-Employment Conflict of Interest Violations

Sec.

Authority: 18 U.S.C. 207(j); 5 CFR 737.27.

Subpart H—Disciplinary Actions Concerning Post-Employment Conflict of Interest Violations

§ 0.735–40 Scope.

(a) These regulations establish procedures for imposing sanctions against a former employee for violating the post-employment restrictions of the conflict of interest laws and regulations set forth in 18 U.S.C. 207 and 5 CFR Part 737. These procedures are established pursuant to the requirement in 18 U.S.C. 207(j). The General Counsel is responsible for resolving questions on the legal interpretation of 18 U.S.C. 207 or regulations issued thereunder and for advising employees on these provisions.

(b) For purposes of this subpart, (1) "Former employee" means a former Government employee as defined in 5 CFR 737.3(a)(4) who had served in the Department;

(2) "Lesser included sanctions" means sanctions of the same type but more limited scope as the proposed sanction; thus a bar on communication with an operating unit is a lesser included sanction of a proposed bar on communication with the Department and a bar on communication for one year is a lesser included sanction of a proposed five year bar;

(3) "Assistant Secretary" means the Assistant Secretary for Administration or designee;

(4) "Director" means the Director for Personnel and Civil Rights, Office of the Secretary, or designee;

(5) "Inspector General" and "General Counsel" include any persons designated by them to perform their functions under this subpart; and

(6) "Days" means calendar days except that a dead-line which falls on a weekend or holiday shall be extended to the next working day.

§ 0.735–41 Report of violations and investigation.

(a) If an employee has information which indicates that a former employee has violated any provisions of 18 U.S.C. 207 or regulations thereunder, that employee shall report such information to the Inspector General.

(b) Upon receiving information as set forth in paragraph (a) from an employee or any other person, the Inspector General, upon a determination that it is nonfrivolous, shall expeditiously provide the information to the Director, Office of Government Ethics, and to the Criminal Division, Department of Justice. The Inspector General shall coordinate any investigation under this Subpart with the Department of Justice, unless the Department of Justice informs the Inspector General that it does not intend to initiate criminal prosecution.

(c) All investigations under this Subpart shall be conducted in such a way as to protect the privacy of former employees. To ensure this, to the extent reasonable and practical, any information received as a result of an investigation shall remain confidential except as necessary to carry out the purposes of this Subpart, including the conduct of an investigation, hearing, or judicial proceeding arising thereunder, or as may be required to be released by law.

(d) The Inspector General shall report the findings of the investigation to the Director.

§ 0.735–42 Initiation of proceedings.

If the Director determines, after an investigation by the Inspector General, that there is reasonable cause to believe that a former employee has violated post-employment statutes or regulations, the Director shall initiate administrative proceedings under this Subpart by proposing sanctions against the former employee and by providing notice to the former employee as set forth in § 0.735–43.

§ 0.735–43 Notice.

(a) The Director shall notify the former employee of the proposed disciplinary action in writing by registered or certified mail, return receipt requested, or by any means which gives actual notice or is reasonably calculated to give actual notice. Notice shall be considered received if sent to the last known address of the former employee.

(b) The notice shall include: (1) A statement of allegations and the basis thereof sufficiently detailed to enable the former employee to prepare a defense;

(2) A statement that the former employee is entitled to a hearing if requested within 20 days from date of notice;

(3) An explanation of the method by which the former employee may request a hearing under this Subpart including the name, address, and telephone number of the person to contact if there are further questions;

(4) A statement that the former employee has the right to submit documentary evidence to the Director if a hearing is not requested and an explanation of the method of submitting such evidence and the date by which it must be received; and

(5) A statement of the sanctions which have been proposed.

§ 0.735–44 Hearing.

(a) *Examiner.* (1) Upon timely receipt of a request for a hearing, the Director shall refer the matter to the Assistant Secretary who shall appoint an examiner to conduct the hearing and render an initial decision.

(2) The examiner shall be impartial, shall not be an individual who has participated in any manner in the decision to initiate the proceedings, and shall not have been employed under the immediate supervision of the former employee or have been employed under a common immediate supervisor. The examiner shall be admitted to practice law and have suitable experience and training to conduct the hearing, reach a determination and render an initial decision in an equitable manner.

(b) *Time, date, and place.* The hearing shall be conducted at a reasonable time, date, and place as set by the examiner. In setting the date, the examiner shall give due regard to the need for both parties to adequately prepare for the hearing and the importance of expeditiously resolving allegations that may be damaging to the former employee's reputation.

(c) *Former employee's rights.* At a hearing, the former employee shall have the right:

(1) To represent himself or herself or to be represented by counsel,

(2) To introduce and examine witnesses and to submit physical evidence,

(3) To confront and cross-examine adverse witnesses,

(4) To present oral argument, and

(5) To receive a transcript or recording of the proceedings, on request.

(d) *Procedure and evidence.* In a hearing under this Subpart, the Federal Rules of Evidence and Civil Procedure do not apply but the examiner shall exclude irrelevant or unduly repetitious evidence and all testimony shall be taken under oath or affirmation. The examiner may make such orders and determinations regarding the admissibility of evidence, conduct of examination and cross-examination, and similar matters which the examiner deems necessary or appropriate to ensure orderliness in the proceedings and fundamental fairness to the parties. There shall be no discovery unless agreed to by the parties and ordered by the examiner. The hearing shall not be open to the public unless the former employee or the former employee's representative waives the right to a closed hearing, in which case the examiner shall determine whether the hearing will be open to the public.

(e) *Ex-parte communications.* The former employee, the former employee's representative, and the agency representative shall not make any ex-parte communications to the examiner concerning the merits of the allegations against the former employee prior to the issuance of the initial decision.

(f) *Initial decision.* (1) The proposed sanctions shall be sustained in an initial decision upon a determination by the examiner that the preponderance of the evidence indicated a violation of post-employment statutes or regulations.

(2) The examiner shall issue an initial decision which is based exclusively on the transcript of testimony and exhibits together with all papers and requests filed in connection with the proceeding and which sets forth all findings of fact and conclusions of law relevant to the matter at issue.

(3) The initial decision shall become final thirty days after issuance if there has been no appeal filed under § 0.735–46.

§ 0.735–45 Decision absent a hearing.

(a) If the former employee does not request a hearing in a timely manner, the Director shall make an initial decision on the basis of information compiled in the investigation, and any submissions made by the former employee.

(b) The proposed sanction or a lesser included sanction shall be imposed if the record indicates a violation of post-employment statutes or regulations by a preponderance of the evidence.

(c) The initial decision shall become final thirty days after issuance if there has been no appeal filed under § 0.735–46.

§ 0.735–46 Administrative appeal.

(a) Within 30 days after issuance of the initial decision, either party may appeal the initial decision or any portion thereof to the Assistant Secretary. The opposing party shall have 20 days to respond.

(b) If an appeal is filed, the Assistant Secretary shall issue a final decision which shall be based solely on the record, or portions thereof cited by the parties to limit issues, and the appeal and response. The Assistant Secretary shall also decide whether to impose the proposed sanction or a lesser included sanction.

(c) If the final decision modifies or reverses the initial decision, it shall state findings of fact and conclusions of law which differ from the initial decision.

§ 0.735–47 Sanctions.

(a) If there has been a final determination that the former employee has violated post-employment statutes or regulations, the Director shall impose, subject to the authority of the Assistant Secretary under § 0.735–46(b), the sanction which was proposed in the notice to the former employee or a lesser included sanction.

(b) Sanctions which may be imposed include: (1) Prohibiting the former employee from making, on behalf of any other person except the United States, any formal or informal appearance before or, with the intent to influence, any oral or written communication to the Department or any organizational sub-unit thereof on any matter of business for a period not to exceed five years; and

(2) Other appropriate disciplinary action.

(c) The Director may enforce the sanctions of section (b)(1) of this section by directing any or all employees to refuse to participate in any such appearance or to accept any such communication. As a method of enforcement, the Director may establish a list of former employees against whom sanctions have been imposed.

§ 0.735–48 Judicial review.

Any former employee found to have violated 18 U.S.C. 207, or regulations issued thereunder, by a final administrative decision under this Subpart may seek judicial review of the administrative determination.

[FR Doc. 84–21322 Filed 8–9–84; 8:45 am]
BILLING CODE 3510–BW–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 239, 270, and 274

[Release Nos. 33–6544; IC–14084]

Form N–1 Amendments

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of Form Amendments.

SUMMARY: The Securities and Exchange Commission is today adopting technical amendments regarding Form N–1 and certain related rules under the Securties Act of 1933 and the Investment Company Act of 1940. Form N–1 has been the form used by open-end management investment companies ("mutual funds") to register under the Investment Company Act and to register their shares under the Securities Act of 1933. On August 12, 1983, the Commission announced the adoption of new Form N–1A to replace Form N–1 for use by mutual funds. The Commission, however, provided for a one-year transition period to permit the Commission and the industry to adapt to the form in an orderly way. During that transition period, mutual funds have been permitted to file registration statements on either form. The amendments adopted today will formally end the transition period on September 20, 1984.

EFFECTIVE DATE: September 21, 1984.

FOR FURTHER INFORMATION CONTACT: Anthony A. Vertuno, (202) 272–2107 Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is today adopting technical amendments regarding Form N–1 [17 CFR 234.15, 274.11] and certain related rules. The amendments formally bring to an end on September 20, 1984, the previously announced transition period during which open-end management investment companies are permitted to file registration statements on either

form N–1 or N–1A [17 CFR 239.15A, 274.11A].

Background and Discussion

On August 12, 1983, the Commission adopted Form N–1A for use by open-end management investment companies other than separate accounts of insurance companies to register under the Investment Company Act of 1940 [15 U.S.C. 80a *et seq.*] (the "1940 Act") and to register their securities under the Securities Act of 1933 [15 U.S.C. 77a *et seq.*] ("Securities Act").[1] Form N–1A is divided into three parts: (i) Part A, the simplified prospectus; (ii) Part B, the "Statement of Additional Information," (the "SAI") and (iii) Part C, which contains other information required to be in the registration statement but not in the prospectus or the SAI. The Form was adopted in order to shorten and simplify the prospectus furnished to prospective investors in the purchase of mutual fund shares. Certain rule and rule amendments were also adopted to conform various Commission procedural rules to the N–1A format.

The releases proposing and adopting Form N–1A noted that it would replace Form N–1 as the registration form to be used by open-end management investment companies other than separate accounts of insurance companies for registration under both the Securities Act and the 1940 Act. Separate accounts would be permitted to continue to use Form N–1 until a new simplified registration form specifically designed for such companies could be developed for their use.[2]

To ease the transition to the new form, the Commission announced in Investment Company Act Release No. 13426 a one year period in which mutual fund registrants may register on either Form N–1 or N–1A.[3] The transition period which has permitted both the industry and the Commission to adjust to the new form in an orderly way will end on September 20, 1984—one year after the date Form N–1A became effective.

As noted above, mutual funds may use either Form N–1 or N–1A, during the transition period. In that connection, registrants may file new registration statements and post-effective amendments on Form N–1 through September 20, 1984. Beginning September 21, 1984, however, any new filing or post-effective amendment must be made on Form N–1A.[4]

In order to remove any uncertainty regarding the availability of Form N–1 after September 20, 1984, this release contains five technical amendments regarding Form N–1 and certain related rules under the 1940 Act. General Instruction A of Form N–1, which specifies those persons eligible to use the form, has been revised to limit eligible users of the forms to open-end management companies that are separate accounts of investment companies as defined by section 2(a)(37) of the 1940 Act. Similar amendments have been made to the descriptions of Form N–1 under the rules under the Securities and 1940 Acts. Finally, rules 8b–11 [17 CFR 270.8b–11] and 8b–12 [17 CFR 270.8b–12] under the 1940 Act, which contain certain technical rules regarding, among other things, the number of copies and paper size, have been deleted and rules 8b–11A [17 CFR 270.8b–11A] and 8b–12A [17 CFR 270.8b–12A] have been renumbered and revised in order to merge and streamline the technical requirements contained in those rules.

Adoption of Technical Amendments Without Notice

The Administrative Procedure Act ("APA") generally requires that any agency or commission publish a notice of proposed rule-making that provides adequate opportunity for comment by interested persons. Section 553(b)(B) of the APA provides an exception from this requirement in situations where the agency for good cause finds that prior notice and comment are "impractical, unnecessary, or contrary to the public interest." These standards are incorporated in rule 4(b) of the Commission's Rules of Practice [17 CFR 201.4(b)], which requires publication of prior notice of proposed rule amendments "[e]xcept where the Commission finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest."

The amendments adopted today make technical changes in Form N–1 and certain related rules in order to complete the prospectus simplification process for open-end management companies other than separate accounts of insurance companies. The proposing and adopting releases for Form N–1A indicated that the form would replace Form N–1 as the registration form for open-end management companies other than separate accounts of investment companies. Those releases also stated that the change would be carried out over a one year period in order to permit both the Commission and the industry to adjust to the new form in an orderly way. Accordingly, the Commission finds that notice and opportunity for comment is unnecessary.

List of Subjects

17 CFR Part 239

Reporting and recordkeeping requirements, Securities.

17 CFR Parts 270 and 274

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Amendments

In accordance with the foregoing, Title 17 of the Code of Federal Regulations, Parts 239, 270 and 274 is amended as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

1. By removing § 270.8b–11, redesignating § 270.8b–11A as § 270.8b–11 and revising § 270.8b to read as follows:

§ 270.8b–11 Number of copies—signature—binding.

(a) Three complete copies of each registration statement or report, including exhibits and all other papers and documents filed as a part thereof, shall be filed with the Commission.

(b) In the case of a registration statement filed on Form N–1A, three complete copies of each part of the registration statement (including exhibits and all other papers and documents filed as part of Part C of the registration statement) shall be filed with the Commission.

(c) At least one copy of the registration statement or report shall be manually signed in the manner prescribed by the appropriate form. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also

[1] Investment Company Act Release No. 13426 (August 12, 1983) 48 FR 37928 (August 22, 1983).

[2] See Investment Company Act Release No. 13689 (Dec. 23, 1983), proposing Forms N–3 and N–4 for insurance company separate accounts.

[3] Existing mutual funds have converted to Form N–1A by filing a post-effective amendment under rule 485(a). *See Phillip W. Coolidge*, available December 22, 1983, where the staff stated that initial post-effective amendments to existing registration statements, converting from Form N–1 to Form N–1A, must be filed under Securities Act rule 485(a), not under Securities Act rule 485(b). To speed the processing of initial post-effective amendments on Form N–1A, the Division, under certain conditions, has employed special review procedures to avoid unnecessary delays.

[4] In responding to staff comments on those filings (which were made on Form N–1 prior to September 21, 1984) by means of a pre-effective or post-effective amendment, registrants may, of course, continue to use Form N–1.

be filed with the registration statement or report.

(d) Each copy of a registration statement or report filed with the Commission shall be bound in one or more parts without stiff covers. The binding shall be made on the left-hand side and in such manner as to leave the reading matter legible.

2. By removing § 270.8b–12, redesignating § 270.8b–12A as § 270.8b–12 and revising § 270.8b–12 to read as follows:

§ 270.8b–12 Requirement as to paper, printing and language.

(a) Registration statements and reports shall be filed on good quality, unglazed, white paper, no larger than 8½ x 11 inches in size, insofar as practicable. To the extent that the reduction of larger documents would render them illegible, such documents may be filed on paper larger than 8½ x 11 inches in size.

(b) In the case of a registration statement filed on Form N–1A, Part C of the registration statement shall be filed on good quality, unglazed, white paper, no larger than 8½ x 11 inches in size, insofar as practicable. The prospectus and Statement of Additional Information, however, may be filed on smaller-size paper provided that the size of paper used in each document is uniform.

(c) The registration statement or report and, insofar as practicable all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed or typewritten. However, the registration statement or report or any portion thereof may be prepared by any similar process which, in the opinion of the Commission, produces copies suitable for permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(d) The body of all printed registration statements and reports and all notes to financial statements and other tabular data included therein shall be in roman type at least as large as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other statistical or tabular data, including tabular data in notes, may be set in type at least as large and as legible as 8-point modern type. All type shall be leaded at least 2-points.

(e) Registration statements and reports shall be in the English language. If any exhibit or other paper or document filed with a registration statement or report is in a foreign language, it shall be accompanied by a translation into the English language.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

3. By revising § 239.15 to read as follows:

§ 239.15 Form N–1 for open-end management investment companies registered on Form N–8A.

Form N–1 shall be used for the registration under the Securities Act of 1933 of securities of open-end management investment companies that are separate accounts of insurance companies as defined by Section 2(a)(37) of the Investment Company Act of 1940 registered under the Investment Company Act of 1940 on Form N–8A (§ 274.10 of this chapter). This form is also to be used for the registration statement of such companies pursuant to Section 8(b) of the Investment Company Act of 1940 (§ 274.11 of this chapter). This form is not applicable for small business investment companies which register pursuant to § 239.24 and § 274.5 of this chapter.

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

4. By revising § 274.11 to read as follows:

§ 274.11 Form N–1, registration statement of open-end management investment companies.

Form N–1 shall be used as the registration statement to be filed pursuant to Section 8(b) of the Investment Company Act of 1940 by open end management investment companies that are separate accounts of insurance companies. This form shall also be used for registration under the Securities Act of 1933 of the securities of all such companies. This form is not applicable for small business investment companies which register pursuant to §§ 239.24 and 274.5 of this chapter.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

5. By amending General Instruction A of Part I of Form N–1 [§§ 239.15 and 274.11] to read as follows:

§ 239.15 Form N–1 for open-end management investment companies registered on Form N–8A.

§ 274.11 Form N–1 registration statement of open-end management investment companies.

* * * * *

General Instructions

A. Rule as to Use of Form N–1

Form N–1 shall be used by open-end management investment companies that are separate accounts of insurance companies as defined by Section 2(a)(37) of the Investment Company Act of 1940 ("1940 Act") for filing (1) an initial Registration Statement required by Section 8(b) of the Investment Company Act of 1940, (2) an annual amendment to a 1940 Act Registration Statement required by Rule 8b–16 [17 CFR 270.8b–16] under the 1940 Act, and any other amendment thereto, (3) a registration statement required under the Securities Act of 1933 ("Securities Act") and any amendments thereto, or (4) any combination of the above 1940 Act and Securities Act filings.

* * * * *

Statutory Authority

These amendments are being adopted pursuant to the provisions of section 19 of the Securities Act of 1933 [15 U.S.C. 77s] and sections 8 and 38 of the Investment Company Act of 1940 [15 U.S.C. 80a–8 and 80a–37].

By the Commission.

George A. Fitzsimmons,

Secretary.

August 7, 1984.

[FR Doc. 84–21304 Filed 8–9–84; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 80G–0412]

Certain Tocopherols; Affirmation of GRAS Status as Direct Human Food Ingredients

Correction

In FR Doc. 84–8865 beginning on page 13346 in the issue of Wednesday, April 4, 1984, make the following correction on page 13348, column one, line two: "1985" should read "1958."

BILLING CODE 1505–01–M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Sterile Pralidoxime Chloride; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for Protopan® (pralidoxime) Chloride for Injection from Ayerst Laboratories to Fort Dodge Laboratories.

EFFECTIVE DATE: August 10, 1984.

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

SUPPLEMENTARY INFORMATION: Fort Dodge Laboratories, Fort Dodge, IA 50501, has informed FDA of a change of sponsor for new animal drug application (NADA) 39-204 from Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, NY 10017. The NADA provides for use of sterile pralidoxime chloride injection as an antidote for treating horses, dogs, and cats for poisonings due to organophosphate pesticides and chemicals which have anticholinesterase activity.

This is an administrative change that does not in any way affect the approval of the firm's NADA. The agency is amending the regulations to reflect the change.

List of Subjects in 21 CFR Part 522

Animal drugs, injectable.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.1862 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), § 522.1862 *Sterile pralidoxime chloride* is amended in paragraph (c) by changing "No. 000046" to read "No. 000856".

Effective date. August 10, 1984.

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

Dated: August 6, 1984.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 84-21209 Filed 8-9-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Oxytocin; Removal of Sponsor From the Regulations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is removing that portion of the regulations reflecting approval of a new animal drug application (NADA) for Burns-Biotec's oxytocin injection. Burns-Biotec requested the withdrawal of approval.

EFFECTIVE DATE: August 20, 1984.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Center for Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1846.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the **Federal Register**, approval of NADA 9-055 held by Burns-Biotec Laboratories, Inc., is withdrawn. The NADA provides for obstetrical use of oxytocin in mares, cows, sows, ewes, dogs, and cats, and for milk let-down in cows and sows. This document amends the regulations in 21 CFR 522.1680(b) to delete that portion which reflects approval of the NADA.

List of Subjects in 21 CFR Part 522

Animal drugs, injectable.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.1680 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), Part 522 is amended in § 522.1680 *Oxytocin injection* in paragraph (b) by removing sponsor number "000845".

Effective date. August 20, 1984.

(Sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e)))

Dated: August 2, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84-21208 Filed 8-9-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Salinomycin, Roxarsone, and Bacitracin Methylene Disalicylate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by A.H. Robins, Co., providing for safe and effective use of a complete broiler feed manufactured with separately approved salinomycin, roxarsone, and bacitracin methylene disalicylate premixes. The feed is used for prevention of coccidiosis and for increased rate of weight gain.

EFFECTIVE DATE: August 10, 1984.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: A.H. Robins, Co., 1407 Cummings Dr., P.O. Box 26609, Richmond, VA 23261, filed NADA 135-321 providing for use of Bio-Cox® premix containing 30 grams per pound salinomycin with a roxarsone premix containing 10, 20, or 50 percent roxarsone and BMD® premix containing 10, 25, 40, or 50 grams per pound bacitracin methylene disalicylate (bacitracin MD) to make a complete broiler feed containing salinomycin at 40 to 60 grams per ton in combination with roxarsone at 45.4 grams per ton (0.005 percent) and bacitracin MD at 4 to 30 grams per ton (0.0004 to 0.003 percent). The feed is used for prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. maxima, E. brunetti,* and *E. mivati,* including some field strains of *E. tenella* which are more susceptible to roxarsone combined with salinomycin than salinomycin alone; and for increased rate of weight gain. The NADA is approved and the regulations are amended accordingly. The basis for approval is discussed in the freedom of information summary.

In addition, that part of the salinomycin regulation citing permitted combinations (21 CFR 558.550(c)(2)) is editorially revised to reflect a more appropriate format.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. In § 558.76 by revising paragraph (e)(3)(x) to read as follows:

§ 558.76 Bacitracin methylene disalicylate.

* * * * *

(e) * * *

(3) * * *

(x) Salinomycin alone or with roxarsone as in § 558.550.

2. In § 558.550 by adding new paragraph (c)(1)(iv) and by revising the introductory text of paragraph (c)(2) to read as follows:

§ 558.550 Salinomycin.

* * * * *

(c) * * *

(1) * * *

(iv) (*a*) *Amount per ton.* Salinomycin 40 to 60 grams with roxarsone 45.4 grams and bacitracin methylene disalicylate 4 to 30 grams.

(*b*) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati,* including some field strains of *E. tenella* which are more susceptible to roxarsone combined with salinomycin than to salinomycin alone; for increased rate of weight gain.

(*c*) *Limitations.* Feed continuously as sole ration. Use of sole source of organic arsenic. Not approved for use with pellet binders. Do not feed to layers. May be fatal if accidentally fed to adult turkeys or horses. Withdraw 5 days before slaughter. Roxarsone as provided by No. 017210 and bacitracin as provided by No. 046573 in § 510.600(c) of this chapter.

* * * * *

(2) *Permitted combinations.* Salinomycin may be used as in this section in combinations as follows:

* * * * *

Effective date. August 10, 1984.

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

Dated: August 2, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84–21206 Filed 8–9–84; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Exempt Chemical Preparations

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: By this rule, the below listed chemical preparations and mixtures which contain controlled substances have, as indicated, either been added to or deleted from the list of exempt chemical preparations set forth in Section 1308.24 of Title 21 of the Code of Federal Regulations. Those which are included in the list are exempted from the application of various provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, (21 U.S. Code 801 *et seq.*), and from certain Drug Enforcement Administration (DEA) regulations. This action is a result of DEA's periodic review of the exempt chemical preparation list and of applications for exemptions filed with DEA, and is consistent with the needs of researchers, chemical analysts, and suppliers of these products.

DATES: This rule is effective October 9, 1984, subject to being suspended, reinstated, revoked or amended by the Deputy Assistant Administrator of the Office of Diversion Control upon consideration of any comments or objections filed on or before October 9, 1984, which raise significant issues on any finding of fact or conclusion of law supporting this rule.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone (202) 633–1366.

SUPPLEMENTARY INFORMATION:

The Drug Enforcement Administration (DEA) has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations (CFR) which ask that several chemical preparations containing controlled substances be granted the exemptions provided for in 21 CFR 1308.24.

It has been determined that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to man or animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse, (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. It has been further determined that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts and suppliers of these products.

DEA has also received correspondence from companies who have discontinued marketing or manufacturing products which had previously been granted exempt chemical preparation status. These discontinued products are being deleted from the list of exempt chemical preparations set forth in 21 CFR 1308.24.

These matters have been informally discussed with the Office of Management and Budget (OMB). It has been determined that they are minor internal management matters not requiring formal OMB review.

The Deputy Assistant Administrator of the DEA Office of Diversion Control hereby certifies that these matters will have no significant negative impact upon small businesses or other entities within the meaning and intent of the

Regulatory Flexibility Act, 5 U.S. Code 501 *et seq.* The addition of preparations to the list of exempt chemical preparations has the effect of exempting them from certain sections of the Controlled Substances Act of 1970 and regulations.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Therefore, pursuant to the Controlled Substances Act, the regulations of the Department of Justice and the Drug Enforcement Administration, the Deputy Assistant Administrator of the DEA Office of Diversion Control hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as hereinafter appears. [Sec. 201, 202, 501(b), Controlled Substances Act, 21 U.S.C. 811, 812, 871(b)].

Dated: August 1, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

§ 1308.24 [Amended]

a. Section 1308.24(i) is amended by removing the following from the table in paragraph (i):

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
American Diagnostics	Anti-T4 Reagent 125I T4 (for T4 Radioimmunoassay)	Vial: 15 ml	7-22-81
Do.	Anti-T3 Reagent 125I T3 (for T3 Radioimmunoassay)	do	7-22-81
Do.	125I T3 (for T3 Uptake Radioassay)	do	7-22-81
Do.	NSB Reagent	Vial: 2 ml	7-22-81
Do.	Amerifluor Fluorescent Immunoassay-Phenobarbital	Kit: 100 tests	4-30-82
Hoffmann-LaRoche, Inc.	Abuscreen Positive Cannabinoid Urine Control: 25, 50, 100, 200, 300, 400, or 500 ng/ml	Vial: 100 ml, 4 ml	8-14-81
Do.	Abuscreen Positive Urine Control, 20 ng/ml	do	3-12-82
Do.	Abuscreen Positive Reference Standard (Cannabinoid)	Vial: 4 ml, Bottle: 50 ml	2-20-84
Do.	Abuscreen Positive Reference Standard (Amphetamine)	Vial: 4 ml, 50ml	2-15-83
Do.	Abuscreen Positive Urine Reference Standard (Amphetamine)	do	2-15-83
Do.	Abuscreen Positive Reference Standard (Barbiturate)	do	2-15-83
Do.	Abuscreen Positive Urine Reference Standard (Barbiturate)	Vial: 4 ml, 50 ml	2-15-83
Do.	Abuscreen Positive Reference Standard (Benzoylecgonine)	do	2-15-83
Do.	Abuscreen Positive Urine Reference Standard (Benzoylecgonine)	Vial: 4 ml, 50 ml	2-15-83
Do.	Abuscreen Positive Reference Standard (Methaqualone)	do	2-15-83
Do.	Abuscreen Positive Urine Reference Standard (Methaqualone)	do	2-15-83
Do.	Abuscreen Positive Reference Standard (Morphine)	do	2-15-83
Do.	Abuscreen Positive Urine Reference Standard (Morphine)	do	2-15-83
Do.	Abuscreen Positive Reference Standard (Phencyclidine)	do	2-15-83
Do.	Abuscreen Positive Urine Reference Standard (Phencyclidine)	do	2-15-83
ICL Scientific	EIQ Intensifier	Bottle: 7.6g	2-26-75
Do.	EIQ Intensifier I	do	6-30-77
Do.	Diluent I	Vial: 10 ml, 25ml	2-26-75
Do.	Diluent IV	Vial: 1 ml	5-14-80
Do.	IEP Chamber Buffer	Bottle: 100 ml	5-18-83
Do.	IEP Plate	Agar gel plate: 10.2 ml	5-18-83

b. Section 1308.24(i) is amended by adding the following to the table in paragraph (i):

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Abbott Laboratories	Phenobarbital Enzyme Inhibitor Stock	Vial: 2 ml	1-20-84
American Hospital Supply Corp. (Dade Division).	Stratus TU Buffer Diluent	Vial: 30 ml	11-4-83
Do	Stratus T4 Assay Buffer	do	11-29-83
Do	Moni-Trol Level II Chemistry Control, Assayed, Special Order Request	Vial: 5 ml	1-20-84
Do	Moni-Trol Level I Chemistry Control, Assayed, Special Order Request	do	1-20-84
Do	Coma Toxicology Control, Panel A	Glass Bottle: 5.3 ml	4-5-84
Analytical Systems	Toxi-Lab Connabinoid (THC) Screen	Kit: 50 tests	10-5-83
Do	Toxi-Discs THC	Vial with 50 discs	10-5-83
Do	Toxi-Control THC	Vial: 25 ml	10-5-83
Diagnostic Division CooperBiomedical, Inc	Basic Toxicology Survey (BT Series)	Vials: 20 ml, 50 ml	11-28-83
Do	Advanced Toxicology Survey (T Series)	do	11-28-83
Do	Therapeutic Drug Monitoring Survey (Z Series)	Vials: 10 ml	11-28-83
Do	Urine Toxicology Survey (U Series)	Vials: 50 ml	11-28-83
E.I. du Pont de Nemours & Co., Inc.	DuPont aca Barbiturate Screen/Benzodiazepine Screen Calibrator	6 Vials: 3 ml	2-23-84
Do	DuPont aca Benzodiazepine Screen Analytical Test Pack	Plastic Packs: 25 tests	2-23-84
Do	DuPont aca Barbiturate Screen Analytical Test Pack	do	12-23-84
Fisher Diagnostics	Thera Chem TDC Therapeutic Drug Controls, Low and High Levels, 2840-58	Kit: 6 vials	1-12-84
Do	Therapeutic Drug Control, Low Level, 2841-31	Vial: 5 ml	1-12-84
Do	Therapeutic Drug Control, High Level, 2842-31	do	1-12-84
Hoffmann-LaRoche, Inc	Anti-T4 Reagent 125I T4 (for T4 Radioimmunoassay)	Vial: 15 ml	7-22-81
Do	Anti-T3 Reagent 125I T3 (for T3 Radioimmunoassay)	do	7-22-81
Do	125I T3 (for T3 Uptake Radioassay)	do	7-22-81
Do	NSB Reagent	Vial: 2 ml	7-22-81
Do	Amerifluor Fluorescent Immunoassay-Phenobarbital	Kit: 100 tests	4-30-82
Do	Immunizing Preparation No. 1	Vial: 10, 20, 50, 100 ml	1-25-83
Do	Immunizing Preparation No. 2	do	1-25-83
Do	Immunizing Preparation No. 3	do	1-25-83
Do	Immunizing Preparation No. 4	do	1-25-83
Do	Immunizing Preparation No. 5	do	1-25-83
Do	Immunizing Preparation No. 6	do	1-25-83
Do	Immunizing Preparation No. 7	do	1-25-83
Do	Immunizing Preparation No. 8	do	1-25-83
Do	Abuscreen Positive Reference Standard (Amphetamine) 100, 500, 750, 1000, 1500 or 2000 ng/ml.	Vial: 5 ml, 40 ml	2-15-83

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Do	Abuscreen Positive Urine Reference Standard (Amphetamine) 100, 500, 750, 1000, 1500 or 2000 ng/ml.	do	2-15-83
Do	Abuscreen Positive Reference Standard (Barbiturate) 50, 100, 200, 300, 400, 500, 750, 1000 or 2000 ng/ml.	do	2-15-83
Do	Abuscreen Positive Urine Reference Standard (Barbiturate) 50, 100, 200, 300, 400, 500, 750, 1000 or 200 ng/nl.	Vial: 5 ml, 40 ml	2-15-83
Do	Abuscreen Positive Reference Standard (Benzoylecgonine) 100, 200, 300, 400, 500, 750, 1000 or 2000 ng/ml.	do	2-28-83
Do	Abuscreen Positive Urine Reference Standard (Benzoylecgonine) 100, 200, 300, 400, 500, 750, 1000 or 2000 ng/ml.	do	2-15-83
Do	Abuscreen Positive Reference Standard (Methaqualone) 100, 300, 500, 750, 1000 or 2000 ng/ml.	do	2-15-83
Do	Abuscreen Positive Urine Reference Standard (Methaqualone) 100, 300, 500, 750, 1000 or 2000 ng/ml.	do	2-15-83
Do	Abuscreen Positive Reference Standard (Morphine) 40, 50, 100, 200, 300, 400, 500, 600, 1000 ng/ml.	do	2-15-83
Do	Abuscreen Positive Urine Reference Standard (Morphine) 40, 50, 100, 200, 300, 400, 500, 600 or 1000 ng/ml.	do	2-15-83
Do	Abuscreen Positive Reference Standard (Phencyclidine) 10, 12.5, 25, 50, 75, 100, 200, or 500 ng/ml.	do	2-15-83
Do	Abuscreen Positive Urine Reference Standard (Phencyclidine) 10, 12.5, 25, 50, 75, 100, 200 or 500 ng/ml.	do	2-15-83
Immuno Assay Corp	TBG Diagnostic Kit (RIA)	Bottle: 100 ml	11-21-83
Lemmon Company	Etorphine Standard Solution	Plastic carboy: 1 liter	10-31-83
Miles Laboratories, Inc	Seralyzer ARIS Drug Assay High Calibrator	Vial: 0.5 ml	1-17-84
Do	Seralyzer ARIS Drug Assay Low Calibrator	do	1-17-84
Do	Seralyzer ARIS Drug Assay Control	Vial: 1 ml	1-17-84
New England Nuclear	Mazindol (4'-3H) Catalog No. NET-816	Combi-vial: 0.25 mCi, 1.0 mCi	5-17-84
Do	N-[1-(2-Thienyl)cyclohexyl]-3,4-Piperidine (piperidyl-3,4-3H) NET-886	do	6-11-84
Do	Methylphenidate, ± threo[methyl-3H] NET-857	do	6-11-84
Ortho Diagnostic Systems, Inc	ORTHO Abnormal Coagulation Control Level I	Glass vial: 5 ml	10-25-83
Do	ORTHO Abnormal Coagulation Control Level II	do	10-25-83
Rowley Bochemical Institute, Inc	Mayer's Hematoxylin Solution	Bottle: pint, quart, gallon	2-2-84
Do	Aldehyde Fuchsin Solution	do	2-2-84
Do	Aldehyde Thionin Solution	do	2-2-84
SIGMA Chemical Co	Buftalbital B5514	Sealed ampule: 1 ml	9-19-83
Do	Cocaine Hydrochloride C1528	do	9-19-83
Do	Codeine C1653	do	9-19-83
Do	Diethylpropion Hydrochloride D7274	do	9-19-83
Do	Fenfluramine Hydrochloride F1884	Sealed ampule: 1 ml	9-19-83
Do	Methadone Hydrochloride M3268	do	9-19-83
Do	Methaqualone Hydrochloride M3393	do	9-19-83
Do	Oxycodone Hydrochloride 02628	do	9-19-83
Do	Pentazocine P7530	do	9-19-83
Do	Phentermine Hydrochloride (P7655)	do	9-19-83
Do	Thebaine T5270	do	9-19-83
Do	Benzphetamine Hydrochloride B-8765	do	6-8-84
Do	Clonazepam C-4404	do	6-8-84
Do	Diazepam D-9900	do	6-8-84
Do	Flurazepam Dihydrochloride F-9134	do	6-8-84
Do	Methyprylon M-1769	do	6-8-84
Do	Thiamylal, Sodium T-6896	do	6-8-84
Syva Company	Emit Qst Phenobarbital Assay, Catalogue Number 6D819	Kit: 50 vials	1-18-84
Theta Corp	FP-601A	Vial: 2 ml	5-15-84
Do	FP-607	do	5-15-84
Do	FP-411	do	5-15-84
Do	FP-609	do	5-15-84
Do	FP-412	do	5-15-84
Do	FP-416	do	5-15-84
Do	FP-514	Vial: 2 ml	5-15-84
Do	FP-210	do	5-15-84
Do	FP-327	do	4-10-84
Do	FP-214	do	4-10-84
Do	FP-556	do	4-10-84

[FR Doc. 84-21262 Filed 8-9-84; 8:45 am]
BILLING 4410-09-M

21 CFR Part 1308

Schedules of Controlled Substances; Placement of Alfentanil in Schedule I; Correction

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule; correction.

SUMMARY: This document corrects the final order published on June 25, 1984, (49 FR 25849), which placed alfentanil into Schedule I of the Controlled Substances Act and inadvertently omitted the word "after" immediately prior to the date for which criminal liability with respect to alfentanil becomes effective.

EFFECTIVE DATE: August 24, 1984.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633-1366.

Accordingly, in the rule published June 25, 1984 (FR Doc. 84-16835), the language appearing on Page 25850, under Effective Dates, Column two, paragraph three, under "10. Criminal Liability"., is corrected to read as follows:

"The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to alfentanil not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after August 24, 1984, shall be unlawful, except that any person who is not now registered to handle alfentanil but who is entitled to registration under such Acts may continue to conduct normal business or professional practice with alfentanil

between the date on which this rule is published and the date which he (she) obtains or is denied registration; provided, that the application for such registration is submitted on or before August 24, 1984."

Dated: August 6, 1984.

Francis M. Mullen, Jr.,

Administrator, Drug Enforcement Administration.

[FR Doc. 84-21261 Filed 8-9-84; 8:45 am]

BILLING CODE 4410-09-M

Office of the Attorney General

28 CFR Part 0

[Order No. 1063-84]

Director of Attorney Personnel Management

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order sets forth the duties of the Director, Office of Attorney Personnel Management, who serves in the Office of the Deputy Attorney General. This amendment is being made in order to provide useful information to the public on the duties of the Director and Deputy Director of the Office of Attorney Personnel Management.

EFFECTIVE DATE: August 10, 1984.

FOR FURTHER INFORMATION CONTACT: Linda A. Cinciotta, Director, Office of Attorney Personnel Management, Department of Justice, Room 4311, 10th and Constitution Avenue, NW., Washington, D.C. 20530 (202-633-3396).

SUPPLEMENTARY INFORMATION: This regulation is exempt from the requirements of Executive Order No. 12291 as a regulation related to agency organization and management. Because this order need not be published for notice and comment, it is also not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

List of Subjects in 28 CFR Part 0

Government employees, Organization and functions (government agencies), Authority delegations (government agencies), and Intergovernmental relations.

PART 0—[AMENDED]

By virtue of the authority vested in me, as Attorney General, by 28 U.S.C. 509, 510, 515, 542, 543, and 5 U.S.C. 301, § 0.15 of Title 28, Code of Federal Regulations is amended by adding a new paragraph (e), reading as follows:

§ 0.15 Deputy Attorney General.

* * * * *

(e) The official in the Office of the Deputy Attorney General responsible for attorney personnel management shall be the Director, Office of Attorney Personnel Management.

(1) The Director, Office of Attorney Personnel Management, may exercise any authority delegated to that official under § 0.15(c) and § 0.19(b) of this Part and may perform any other attorney personnel duties as may be assigned from time to time by the Deputy Attorney General;

(2) The Director, Office of Attorney Personnel Management, may redelegate the authority provided in paragraph (e)(1) of this section to the Deputy Director, Office of Attorney Personnel Management.

Dated: August 2, 1984.

William French Smith,

Attorney General.

[FR Doc. 84-21237 Filed 8-9-84; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1949

Office of Training and Education; Tuition Fees

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This document sets forth the policy of the Occupational Safety and Health Administration that tuition fees shall be charged to private sector students attending training provided by the OSHA Training Institute beginning October 1, 1984. This document also establishes a new Part 1949 to Title 29, Code of Federal Regulations, setting forth regulations concerning such tuition. This is being done as part of a government-wide initiative to make training provided to the private sector self-sustaining to the extent possible.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3637, 200 Constitution Ave., NW., Washington, D.C. 20210, Telephone (202) 523-8148.

SUPPLEMENTARY INFORMATION:

Background

Section 21(c) of the Occupational Safety and Health Act of 1970 (the "Act", 29 U.S.C. 670(c)) authorizes the Secretary of Labor to provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance and prevention of unsafe or unhealthful working conditions. The Office of Training and Education of the Occupational Safety and Health Administration (OSHA) has the responsibility to administer a program of training and education for employers and employees as well as personnel engaged in work relating to the Act. The OSHA training program is provided largely through the OSHA Training Institute located in Des Plaines, Illinois, where classes and training programs are attended by Federal and State compliance personnel, other Federal agency personnel, state personnel responsible for providing on-site consultation services under section 7(c)(1) of the Act and 29 CFR Part 1908, and private-sector employers and employees who wish to develop expertise in the recognition, avoidance and prevention of unsafe or unhealthful working conditions.

This rule adds a new Part 1949 to Title 29, Code of Federal Regulations, entitled "Office of Training and Education, Occupational Safety and Health Administration," and provides by regulation for the charging of tuition to private sector participants in training courses offered by the OSHA training institute. This policy is in accordance with a government-wide initiative by the Office of Management and Budget to assure that training provided by Federal agencies be provided on a self-sustaining basis and is consistent with 31 U.S.C. 9701. This rule is also in accordance with OMB Circular A-25, which generally sets forth guidelines for the charging of fees for federally-provided services.

Tuition fees will be computed by the OSHA Training Institute on the basis of the cost to the government of each course, calculating the proportionate share of the cost of personnel, travel, support facilities, rent, administrative and clerical support, postage and instructional material, and dividing the total cost by the number of students. Tuition for each course will be set forth in the course announcement. Procedures for payment of tuition fees and for refunds are set forth in the rule.

Because this rule is a statement of agency policy within the meaning of 5

U.S.C. 553(b)(A), OSHA has determined that it is unnecessary to publish it as a proposal.

List of Subjects in 29 CFR Part 1949

Intergovernmental relations, grant programs, occupational safety and health.

Accordingly, Title 29, Code of Federal Regulations, is amended by adding a new Part 1949, as follows:

PART 1949—OFFICE OF TRAINING AND EDUCATION, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Subpart A—OSHA Training Institute

Sec.

Authority: Secs. 8(g), 21(c) (29 U.S.C. 657(g), 670); 31 U.S.C. 9701(a); Secretary of Labor's Order No. 9–83 (48 FR 35736).

Subpart A—OSHA Training Institute

§ 1949.1 Policy regarding tuition fees.

The OSHA Training Institute will charge tutition fees for all private sector students attending Institute courses which commence on or after October 1, 1984.

§ 1949.2 Definitions.

Any term not defined herein shall have the same meaning as given it in the Act. As used in this subpart: "Private sector students" means those students attending the Institute who are not employees of Federal, State, or local governments.

§ 1949.3 Schedule of fees.

(a) Tuition fees will be computed on the basis of the cost to the Government for the Institute conduct of the course, as determined by the Director of the Institute.

(b) Total tuition charges for each course will be set forth in the course announcement.

§ 1949.4 Procedure for payment.

(a) Applications for Institute courses shall be submitted to the Institute Registrar's office in accordance with instructions issued by the Institute.

(b) Private sector personnel shall, upon notification of their acceptance by the Institute, submit a check payable to "U.S. Department of Labor" in the amount indicated by the course announcement prior to the commencement of the course.

§ 1949.5 Refunds.

An applicant may withdraw an application and receive full reimbursement of the fee provided that written notification to the Institute Registrar is mailed no later than 14 days before the commencement of the course for which registration has been submitted.

Signed at Washington, D.C., this 2d day of August 1984.

Robert A. Rowland,

Assistant Secretary of Labor.

[FR Doc. 84–21319 Filed 8–9–84; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 210

Amendment to and Clarification of Certain Provisions Relating to Direct Deposit Payments by Means Other Than Check

AGENCY: Bureau of Government Financial Operations, Fiscal Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This final rule clarifies that the Government does not authorize or direct financial institutions under 31 CFR Part 210 to recover from any party amounts owed the Government because Direct Deposit payments are received after the death of a recipient. This clarification was proposed in part because of a number of recent lawsuits arising from a misunderstanding of this liability.

This final rule also will allow recipients and financial institutions to change types of accounts into which benefits are deposited and account numbers without execution of new Direct Deposit Standard Authorization Forms. There is no need for the new form provided that the recipient's interest in the account is unchanged. This change is necessary to save processing costs for both the Government and participating financial institutions.

EFFECTIVE DATE: September 10, 1984.

FOR FURTHER INFORMATION CONTACT: James R. Finegan, ACH Program Management Branch, Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 222A, Treasury Annex, Washington, D.C. 20226, (202) 535–6331

SUPPLEMENTARY INFORMATION: On April 24, 1984 (49 FR 17546), the Department of the Treasury published a Notice of Proposed Rulemaking proposing two changes to the regulations in 31 CFR Part 210 which govern the Direct Deposit of Federal recurring benefit payments by means other than check (EFT). Both changes are being adopted with some revisions suggested by those who commented on the Notice of Proposed Rulemaking.

The first change is to § 210.9. Section 210.9 sets forth the liability of financial institutions that credit benefit payments after the death or legal incapacity of a recipient or the death of a beneficiary. A financial institution is liable to Treasury as described in § 210.9 without regard to the financial institution's ability to recover from any other party. The change to § 210.9(a) explicitly states that Treasury does not authorize or direct the financial institution to debit the account of any customer under this Part. Any right a financial institution may have to recover from a customer in this situation would be based on state law or the financial institution's contract of deposit with the customer.

This clarification is necessary in part because of several recent lawsuits brought by deceased recipients' joint account holders who allege that the Government directed financial institutions to debit their accounts. *See, e.g., Dockstader* v. *Miller*, 719 F.2d 327 (10th Cir. 1983), *cert. filed. Cf., Powderly* v. *Schweiker*, 704 F.2d 1092 (9th Cir. 1983).

An amendment is also being made to § 210.4(h) and § 210.2(k) to allow recipients to change the type of account or number of the account to which benefit payments are being credited without execution of a new Standard Authorization Form (SF 1199A). Similarly, financial institutions may induce changes to their account numbering system or routing number without execution of new forms. This revision is being made to reduce costs of processing changes for the Government and financial institutions.

Treasury received comments from six financial institutions and one public interest group regarding these changes. A few of the comments from financial institutions generally criticized the fact that financial institutions have any liability under Part 210 for after death Direct Deposit payments. These comments were beyond the scope of this regulatory change.

With respect to the provision clarifying that the Government does not authorize or direct financial institutions to recover from any party amounts owed to the Government for after death payments, three financial institutions said that this provision appeared to preclude such recovery. In response to these comments, we have added a provision that states that any right the

financial institution may have to debit a customer's account would be based on State law or the financial institution's contract with its customer.

One commentor made the observation that the fact that the Government does not authorize the debit of any account for the financial institution's liability for after death payments is inconsistent with the requirement in § 210.9(a)(3) that the financial institution make every practicable administrative remedy to recover the amount which is not available in the recipient's account. Treasury has proposed to eliminate the "every practicable administrative remedy" provision. See **Federal Register** of August 7, 1984.

The financial institutions generally welcomed the change in the regulations that will specifically authorize changes in account numbers without execution of a new Standard Authorization Form. One financial institution suggested that Treasury follow the notification of change provisions in the Operating Rules and Guidelines of the National Automated Clearing House Association (NACHA). The Government's implementing instructions referred to in § 210.4(h) are expected to be substantially similar to the NACHA procedures.

One commentor was confused regarding what type of account changes will be able to be initiated by the recipient without execution of a new Standard Authorization Form. The recipient may change the account from a checking to savings account or make any other change which does not alter the recipient's or beneficiary's interest in the account without executing a new form. This change has nothing to do with, and certainly does not authorize, changes to the account after the death of the recipient or beneficiary.

Another commentor suggested that the proposed liability provision that would have held the financial institution responsible to the recipient for any loss caused by a change in account numbers made without execution of a new form, would in some instances be unfair to the financial institutions. We have changed this provision to specify that the financial institution will only be responsible for losses caused by such account changes if the loss is attributable to the financial institution's actions in processing the change.

Special Analyses

The Treasury Department has determined that this proposal is not a major rule for purposes of E.O. 12291. Therefore, no regulatory impact analysis is required.

It has been certified that the rulemaking proposed herein will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Act analysis is not required.

List of Subjects in 31 CFR Part 210

Banks, Banking, Electronic funds transfer.

PART 210—FEDERAL RECURRING PAYMENTS THROUGH FINANCIAL ORGANIZATIONS BY MEANS OTHER THAN BY CHECK

Accordingly, 31 CFR Part 210 is amended as follows:

1. By adding paragraph (k) to § 210.2:

§ 210.2 Definitions.

* * * * *

(k) "Account," "recipient's account," "designated account" and "appropriate account" mean the account specified on the Standard Authorization Form into which any credit payments shall be desposited. These definitions also include an account on which the financial organization has, after execution of a Standard Authorization Form, made changes to the account number or the type of account as authorized by § 210.4(h).

2. By adding the following sentence flush with the margin at the end of § 210.4(h):

§ 210.4 Recipients.

* * * * *

(h) * * *

A financial organization may change the account numbers or, at the request of the recipient, the type of the recipient's account without submitting a new Standard Authorization Form provided no change is made to the title of the account or the interest of the recipient or beneficiary in the account. These changes must be communicated to the Government in accordance with implementing instructions issued by the Government.

3. By redesignating § 210.7(h) as § 210.7(i) and adding § 210.7(h) as follows:

§ 210.7 Financial organizations.

* * * * *

(h) If any change in account numbers permitted by § 210.4(h) is made by a financial organization, the financial organizations will be responsible to the recipient for any lost or late payment caused by the financial organization's actions in processing the change.

4. By adding the following sentence flush with the margin at the end of § 210.9(a):

§ 210.9 Death or legal incapacity of recipients or death of beneficiaries.

(a) * * *

Note.—The amount available in the recipient's account is only a measure of the financial organization's liability. A financial organization is not authorized by this Part to debit the account of any customer, living or deceased, for its liability to the Government under this Part. Any right a financial organization may have to debit a customer's account would be under state law or its contract with the depositor.

(5 U.S.C. 301, 12 U.S.C. 391, title 31 U.S.C. and other provisions of law.)

Dated: July 25, 1984.

W.E. Douglas,

Commissioner.

[FR Doc. 84-21249 Filed 8-9-84; 8:45 am]

BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 704

[OPTS-82007B, TSH-FRL-2652-4]

Reporting and Recordkeeping Requirements; Chlorinated Terphenyl; Compliance With the Paperwork Reduction Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment.

SUMMARY: Pursuant to the Toxic Substances Control Act (TSCA) EPA issued a final section 8(a) regulation that imposed reporting requirements on current and prospective manufacturers and importers of chlorinated terphenyl. The final rule was published in the **Federal Register** of March 26, 1984 (49 FR 11181). This document amends that rule by adding the Office of Management and Budget (OMB) control number 2070-0035.

DATE: The regulation became effective on May 25, 1984.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Information Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800-424-9065), In Washington, D.C.: (202-554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: OMB control number 2070-0035. As required by the Paperwork Reduction Act of 1980, 44 U.S.C. 2501 et seq., EPA submitted the final section 8(a) rule on chlorinated terphenyl to OMB for approval of its information collection requirements. OMB has approved the information

collection requirements and assigned them control number 2070–0035.

(Sec. 8(a) Pub. L. 94–469, 90 Stat. 2029 (15 U.S.C. 2607(a))

List of Subjects in 40 CFR Part 704

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements.

Dated: August 2, 1984.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

PART 704—[AMENDED]

Accordingly, OMB control number 2070–0035 is added to the end of 40 CFR 704.85 to read as follows:

§ 704.85 Chlorinated Terphenyl.

* * * * *

(Approved by the Office of Management and Budget under control number 2070–0035)

[FR Doc. 84–21256 Filed 8–9–84; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6560

[M–56312]

Montana; Withdrawal of Public Lands for Forest Service Administrative Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 59.99 acres of public land from surface entry and mining, and transfers administrative jurisdiction to the Forest Service for use as an administrative site for 20 years.

EFFECTIVE DATE: August 6, 1984.

FOR FURTHER INFORMATION CONTACT: James Binando, Montana State Office, 406–657–6090.

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

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, and are reserved for use as a Forest Service administrative site:

Wisdom Administrative Site

Principal Meridian, Montana

T. 2 S., R. 15 W.,
Sec. 34, a parcel of land located in SW¼SW¼ and NW¼SW¼ (Tract A of Certificate of Survey No. 369).

The area described contains 29.94 acres in Beaverhead County.

T. 3 S., R. 15 W.,
Sec. 3, a parcel of land located in lot 4 (Tract B of Certificate of Survey No. 369).

The area described contains 30.05 acres in Beaverhead County.

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

Inquiries concerning the lands should be addressed to the Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: August 5, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84–21277 Filed 8–9–84; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6561

[OR–19014, OR–19115, OR–19118, OR–19127]

Oregon; Public Land Order No. 6428; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct errors in the land description of Public Land Order No. 6428 of July 11, 1983, which partially revoked a powersite reserve and a water power designation in Oregon.

EFFECTIVE DATE: August 10, 1984.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

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

The land description in Public Land Order No. 6428 of July 11, 1983, in FR Doc. 83–19675 published at page 33298, in the issue of Thursday, July 21, 1983, is corrected as follows: In the legal description on page 33298, under T. 3 S., R. 5 E., "sec. 19, Lot 3 and SE¼SW¼," is corrected to read "sec. 19, NW¼SW¼ and SE¼SW¼." On page 33299, under T. 4 S., R. 5 E., "sec. 10, Lot 1," is corrected to read "sec. 19, Lot 1."

Dated: August 5, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84–21267 Filed 8–9–84; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6562

[OR–19014, OR–19113, OR–19116, OR–19183]

Oregon; Opening of Land Subject to Section 24 of the Federal Power Act

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order modifies a Secretarial order, an Executive order, and a U.S. Geological Survey order to open 1,400.72 acres of land in a Water Power Designation, two Powersite Reserves, and a Powersite Classification, subject to the provisions of Section 24 of the Federal Power Act.

EFFECTIVE DATE: September 10, 1984.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA–465–Oregon, it is ordered as follows:

1. The Secretarial Order of December 12, 1917, the Executive Order of December 12, 1917, and U.S. Geological Survey Order of November 9, 1950, which created Water Power Designation No. 14, Powersite Reserves Nos. 659 and 662, and Powersite Classification No. 413 respectively, are hereby modified to provide for opening of the following described lands subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920, as amended (16 U.S.C. 818):

Willamette Meridian

Powersite Reserve No. 662

T. 13 S., R. 7 W.,
Sec. 32, lot 3.

Powersite Classification No. 413

T. 14 S., R. 9 W.,
Sec. 13, SW¼NW¼.

Revested Oregon and California Railroad Grant Land

Water Power Designation No. 14

Powersite Reserve No. 659

T. 14 S., R. 6 W.,
Sec. 31, lot 3 and SE¼SW¼.

T. 15 S., R. 6 W.,
Sec. 7, E½E½.
T. 13 S., R. 7 W.,
Sec. 19, lots 2, 5, and 6, SE¼NW¼, and SW¼NE¼.
T. 14 S., R. 7 W.,
Sec. 25, E½NE¼SW¼NW¼, E½NE¼SW¼, E½NW¼NE¼SW¼, E½SW¼SE¼, N½NW¼SW¼SE¼, and SE¼NW¼SW¼SE¼.
T. 14 S., R. 8 W.,
Sec. 19, lot 2.

Powersite Classification No. 413

T. 14 S., R. 8 W.,
Sec. 15, NW¼NW¼;
Sec. 19, SE¼NE¼;
Sec. 21, N½SW¼;
Sec. 29, S½NW¼.
T. 15 S., R. 8 W.,
Sec. 7, lot 2 and SE¼NW¼.
T. 14 S., R. 9 W.,
Sec. 13, NW¼NE¼.
T. 15 S., R. 9 W.,
Sec. 1, lot 3 and SE¼NW¼.

Siuslaw National Forest

Powersite Reserve No. 662

T. 14 S., R. 10 W.,
Sec. 1, lot 1.

Powersite Classification No. 413

T. 13 S., R. 9 W.,
Sec. 30, N½N½SE¼SE¼, SW¼NW¼SE¼SE¼, W½SW¼SE¼SE¼, SE¼SW¼SE¼SE¼, and E½SE¼SE¼SE¼;
Sec. 31, lot 10, E½ and SW¼ of lot 13, and lot 15.
T. 14 S., R. 9 W.,
Sec. 6, lot 6.
T. 15 S., R. 9 W.,
Sec. 13, NW¼NE¼;
Sec. 16, N½NE¼NE¼SE¼.
T. 13 S., R. 10 W.,
Sec. 27, SE¼NE¼;
Sec. 36, lot 12.
T. 14 S., R. 10 W.,
Sec. 12, lot 3.

The areas described aggregate 1,400.72 acres in Benton, Lane, and Lincoln Counties.

2. At 8:30 a.m., on September 10, 1984, lot 3, sec. 32, T. 13 S., R. 7 W., and the SW¼NW¼, sec. 13, T. 14 S., R. 9 W., will be opened to operation of the public land laws generally, subject to valid existing rights, the requirements of applicable law, the provisions of existing withdrawals and the provisions of Section 24 of the Federal Power Act. All valid applications received at or prior to 8:30 a.m., on September 10, 1984, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8:30 a.m., on September 10, 1984, the lands in paragraph 1, except as provided in paragraph 2, will be opened to such forms of disposition as may by law be made of national forest lands and revested Oregon and California Railroad Grant Land, subject to valid existing rights, the requirements of applicable law, the provisions of existing withdrawals and the provisions of Section 24 of the Federal Power Act.

4. The lands have been and remain open to location and entry under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621), and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: August 5, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84-21268 Filed 8-9-84; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 83

[PR Docket No. 83-428]

Expansion of Inspection Interval for Small Passenger Vessels; Public Notice

AGENCY: Federal Communications Commission.

ACTION: Final rule, announcement of effective date.

SUMMARY: This Public Notice informs the maritime public of the effective date of an amendment to the rules which extends the FCC inspection internal for certain small passenger vessels. The FCC initiated this action in order to alleviate the burden of unnecessarily frequent inspection. It is expected that this action will reduce the regulatory burden on the concerned public and provide flexibility for the FCC to adjust the use of its resources to best meet the demands of its marine programs.

EFFECTIVE DATE: The effective date of the rule which extends the FCC inspection interval for certain small passenger vessels is July 10, 1984.

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

FOR FURTHER INFORMATION CONTACT: George Dillon, Field Operations Bureau, (202) 632-6345.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 83

Communications equipment, Marine safety, Radiotelephone.

July 20, 1984.

Extension of Compulsory Inspection Interval for Small Passenger Vessels

In PR Docket No. 83-428 (December 14, 1983; 48 FR 55574), the Commission amended Part 83 of its Rules to extend the time between inspection for certain compulsorily equipped vessels. The Rule amendment became effective on July 10, 1984, and changed the inspection interval from two years to five years for small passenger vessels. Small passenger vessels are those vessels that carry more than six passengers for hire and are navigated in the open sea or any tidewater within the jurisdiction of the United States adjacent to the open sea. The Commission's Rule amendment also extends by an additional three years current valid Safety Radiotelephony Certificates, That is, a Safety Radiotelephony Certificate with a current expiration date of August 1, 1985 is, by this Rule amendment, extended three years and is now valid until August 1, 1988.

In reaching a decision to extend the inspection interval, the Commission concluded that improvements in the reliability of maritime radiotelephone equipment, the increase in the number of radio equipped vessels, and the number of Coast Guard facilities capable of responding to distress calls have improved the quality of the radio safety system for these vessels. Furthermore, the U.S. Coast Guard has agreed to request an operational test of the required radiotelephone installation in conjunction with its annual inspection of these types of vessels.

For further information, contact George R. Dillon, (202) 632-6345.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-21149 Filed 8-9-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 82-20; Notice 3]

Consumer Information Regulations; Operation of Utility Vehicles on Paved Roadways

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

ACTION: Final rule, response to petitions for reconsideration.

SUMMARY: This final rule responds to petitions for reconsideration filed by American Motors Corporation and Subaru of America, Inc., with regard to the agency's requirement that manufacturers of utility vehicles inform drivers of those vehicles of the propensity of such vehicles to rollover. American Motors and Subaru pointed out in their petitions that the scope of this requirement includes certain passenger car derivatives such as the AMC Eagle and the Subaru four wheel drive vehicles which do not have the operating characteristics which were the focus of the rule. Therefore, the agency is herein clarifying the regulations to exempt passenger car derivatives.

DATES: This amendment is effective September 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Gordy, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–1740).

SUPPLEMENTARY INFORMATION: On May 11, 1984, NHTSA amended its Consumer Information Regulations (49 CFR Part 575) to add a new requirement applicable to "utility vehicles"—multipurpose passenger vehicles (49 CFR 571.3) which have a short wheelbase (110 inches or less) and special features for occasional off-road operation. See 49 FR 20016. This new regulation addresses a safety concern resulting from a possible lack of owner awareness about the proper handling and operation of utility vehicles, and the resulting possibility of vehicle rollover. These vehicles have features which cause them to handle and maneuver differently than ordinary passenger cars under certain on-pavement driving conditions. Those features include: short wheelbase, narrow track, high ground clearance, high center of gravity, stiff suspension system and, often, four-wheel drive. Examples of utility vehicles in current production which were cited in the agency's final rule include: AMC Jeeps, Chevrolet Blazer, Ford Bronco, Dodge Ram Charger, Toyota Land Cruiser, and the GMC Jimmy.

On June 11, 1984, the agency received petitions for reconsideration of the utility vehicle labeling rule from American Motors Corporation and Subaru of America, Inc. Both manufacturers pointed out that although the preamble to the agency's final rule indicated that the rule was intended to apply to a class of vehicles with attributes which might tend to increase the likelihood of vehicle rollover (high center of gravity, narrow track, stiff suspension, etc.), the actual language of the rule applied to certain vehicles without these attributes. In particular, these manufacturers were concerned that the labeling requirements would apply to their four wheel drive vehicles which are derived from passenger cars, i.e., the American Motors Eagle and the Subaru four wheel drive station wagons, sedans, and Brat. Both manufacturers requested that the agency clarify the scope of the rule to exclude these vehicles.

Since the American Motors and Subaru vehicles in question are certified as multipurpose passenger vehicles under 49 CFR Part 567, have a wheelbase of 110 inches or less and have four wheel drive, they would fall within the "utility vehicle" definition in the Consumer Information Regulations, and would therefore be subject to the rollover warning label requirements. However, the manufacturers are correct in pointing out that the main thrust of the agency's May 11 rule was to regulate the more traditional types of utility vehicles, such as the Jeep CJ series and the Toyota Land Cruiser.

To assess the appropriateness of subjecting the Eagle and Subaru model lines to the labeling requirements, the agency analyzed its accident data to determine the frequency of involvement in fatal rollover accidents for various types of vehicles. Fatality data were obtained from the agency's Fatal Accident Reporting System, while vehicle registration information was obtained from R.L. Polk data. The rollover rate for the Eagle is much lower than that for the more traditional utility vehicles, and is, in fact, lower than that for all passenger cars. This data strongly supports the American Motors argument that the Eagle should not be subject to the labeling rule. The case for the Subaru vehicles is less clear, since their rollover fatality rate is between that of passenger cars and the more traditional utility vehicles. However, the Subaru four wheel drive vehicles have a rollover fatality rate which is virtually identical to that of their two wheel drive counterparts, which are not subject to the labeling requirement, and is still only about one-fourth that of more traditional utility vehicles. Subaru submitted data with its reconsideration petition indicating that the handling characteristics of the Subaru four wheel drive vehicles are on a par with those of passenger cars, and superior to those of more traditional utility vehicles. Therefore, the agency is exempting passenger car derivative multipurpose passenger vehicles from the rollover labeling requirements. These vehicles are typically based upon a passenger car chassis, then modified to have certain attributes common to trucks or utility vehicles. The Subaru and Eagle vehicles are the only vehicles currently sold in the United States which fall with this exemption.

The amendments promulgated herein are effective September 1, 1984, to coincide with the effective date of the May 11 labeling rule. The agency finds good cause for making this amendment effective less than 180 days after publication. The amendment relieves an inappropriate restriction, avoiding the need to provide warning information in vehicles which do not pose an unusual risk of rollover.

NHTSA has examined the impacts of this new regulation and determined that this notice does not qualify as a major regulation within the meaning of Exective Order 12291 or as a significant regulation under the Department of Transportation regulatory policies and procedures. The agency has also determined that the economic and other impacts of this rule are so minimal that a regulatory evaluation is not required. The rule merely exempts a small number of vehicles from the labeling rules, which imposed minimal costs. The agency also considered the impacts of this rule under the precepts of the Regulatory Flexibility Act. I hereby certify that the regulation will not have a significant economic impact on a substantial number of small entities. The cost of the required sticker and information will be extremely small, and only a small number of vehicles are being exempted. Accordingly, there will be virtually no economic effect on any small organizations or governmental units which purchase utility vehicles. Moreover, few, if any, vehicle manufactures would qualify as small entities under the Act.

Finally, NHTSA has analyzed this rule for purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

List of Subjects in 49 CFR Part 575

Consumer protection, Labelling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

(Secs. 103, 112, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50)

Issued on August 6, 1984.

Diane K. Steed,

Administrator.

PART 575—[AMENDED]

In consideration of the foregoing, paragraph 575.105(b) is revised to read as follows:

§ 575.105 Utility Vehicles

* * * * *

(b) *Application.* This section applies to multipurpose passenger vehicles (other than those which are passenger car derivatives) which have a wheelbase of 110 inches or less and special features for occasional off-road operation ("Utility vehicles").

[FR Doc. 84-21329 Filed 8-9-84; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 49, No. 156
Friday, August 10, 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.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Proposed rule.

SUMMARY: This proposes to change the Board's current regulation concerning filing of petitions for review to deal more comprehensively with related pleadings, to change service requirements, and to more fully explain procedures regarding timeliness.

DATE: Comments must be received by September 10, 1984.

ADDRESS: Send written comments to Paula Latshaw, Acting Secretary, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: Paula Latshaw, Acting Secretary, Merit Systems Protection Board, (202) 653–7200.

SUPPLEMENTARY INFORMATION: 5 CFR 1201.114 is the current regulatory provision which gives guidance to the Board and parties concerning filing of petitions for review of initial decisions issued by presiding officials. The Board believes it is desirable to clarify and amplify those procedures as currently stated, and to make certain changes based upon experience under the present regulation.

1. *Who May File. § 1201.114(a).* The only changes proposed here are to clarify that the Special Counsel may file a petition independently of a party or the Director of OPM, by changing "and" to "or", and that all pleadings must contain an original signature.

2. *Cross Petitions for Review. § 1201.114(b).* Issues not raised in a petition for review will not normally be considered by the Board. This new section proposes to specify that challenges to the initial decision must appear in either a timely petition or cross petition for review. Reliance on a response to a petition would normally be inadequate to raise an issue.

3. *Place for Filing. § 1201.114(c).* This section is changed to be compatible with proposed § 1201.114(b) with respect to cross petitions, adds clarifying language concerning related motions and pleadings, and clarifies the particular methods of service.

4. *Time for Filing. § 1201.114(d) (formerly § 1201.114(b)).* The changes here have two purposes. One is to take account of other types of filings, i.e., responses to petitions and cross petitions for review. The second is to put in regulatory form Board decisional law as to the definition of filing. It clarifies that the date of a postmark will determine filing for pleadings mailed to the Board, and that if a postmark does not appear, a five day mailing period will be presumed.

5. *Extensions of Time to File. § 1201.114(e).* This is a new section, although it relates to § 1201.113(d), which provides that the Board may grant extensions of time for filing a petition for review upon a showing of good cause. This new section was precipitated by the desire of the Board to clarify those circumstances which constitute good cause for granting extensions and put the parties on notice that specific showings must be made before a request submitted in advance of the due date will be granted in the future. It is anticipated that this would result in greater scrutiny of such requests. The examples provided are supplied to give guidance, and are not intended to be all-inclusive.

6. *Late Filings. § 1201.114(f).* This is a new section. As this section and the preceding one are constructed, a distinction is drawn between requests for extension of time filed prior to a filing deadline, and pleadings which are filed late without the previous request for or grant of an extension. Although the analysis regarding a showing of the reasons necessitating the late filing is the same, there is an additional requirement of demonstration of good cause as to why an extension was not timely requested. These two showings must be in the form of a motion requesting a waiver of time requirements.

Unlike § 1201.114(e), here a specific provision is made to allow a response by the other party to the motion for waiver.

It should be noted that the response in opposition to the motion for waiver does not extend the time otherwise provided to respond to the substance of the pleading.

7. *Intervention. § 1201.114(g).* This new section provides the time framework for filing interventions by the Director of the Office of Personnel Management, the Special Counsel and permissive intervenors and responses thereto. It does not affect the right of persons to proceed pursuant to 1201.34 at the regional level.

8. *Service. § 1201.114(h).* This is a new section. It changes the present § 1201.26(b)(1) to provide that the Board will no longer serve copies of the petition for review on the parties; however, like subsection 1201.26(b)(2), it specifies that all filings must be served by the parties rather than the Board. This would represent a continuation at the Board level of the requirement at the regional level that the parties serve all pleadings after the petition for appeal on each other.

9. *Closing the Record. § 1201.114(i).* This is a new section which clarifies that once the last day for filing the relevant final pleading has passed, the record is considered closed, and futher filings need not be considered by the Board.

Regulatory Flexibility Act

The Chairman, Merit Systems Protection Board, certifies that the Board is not required to prepare initial or final regulatory analysis of this proposed rule, pursuant to section 603 or 604 of the Regulatory Flexibility Act, because of his determination that this rule would not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

List of Subjects in 5 CFR Part 1201

Government employees, Practices and procedures.

PART 1201—[AMENDED]

Accordingly, the Merit Systems Protection Board proposes to revise § 1201.114 to read as follows:

§ 1201.114 Filing of petition and cross petition for review.

(a) *Who may file.* Any party to the proceeding, the Director of OPM, or the

Special Counsel may file a petition for review. The Director may request review only if he/she is of the opinion that the decision is erroneous and will have a substantial impact on any civil service law, rule, or regulation under the jurisdiction of the Office (5 U.S.C. 7701(e)(2)). All submissions to the Board must contain an original signature of the appellant or the party's designated representative.

(b) *Cross petition for review.* If a timely petition for review is filed by a party, the Director of OPM or the Special Counsel, a cross petition for review may be filed by any other party, the Director of OPM or the Special Counsel within 25 days of the date of service of the petition for review. Issues not raised in the petition for review will not normally be considered by the Board unless raised in a timely filed cross petiton for review.

(c) *Place for filing.* A petition for review, cross petition for review, responses thereto and all motions and pleadings associated therewith shall be filed with the Secretary of the Merit Systems Protection Board, Washington, D.C. 20419, either by personal delivery during normal business hours or by mail addressed to the Secretary.

(d) *Time for filing.* Any petition for review may be filed within 35 days of issuance of the initial decision. Any response to a petition for review or cross-petition for review may be filed within 25 days after service of the petition or cross petition. The date of filing shall be determined by the date of mailing indicated by the postmark date. If no postmark date is evident on the mailing, it shall be presumed to have been mailed five days prior to receipt. If the filing is by personal delivery, it shall be considered filed on the date it is received by the Secretary.

(e) *Extensions of time to file.* Motions for extensions of time to file a petition for review, cross petition or response shall be granted only upon a showing of good cause. Such motions must be filed in advance of the date on which the petition or other pleading is due. Motions for extension of time may be granted or denied without providing other parties the opportunity to comment, in the Board's discretion. Motions for extensions shall be accompanied by an affidavit showing good cause for the request.

Examples

1. Requests for extension based upon delay in obtaining a transcript must be accompanied by a showing of due diligence in obtaining the transcript.

2. Requests for extension based upon obtaining new counsel must be accompanied by a showing of due diligence in obtaining such counsel and the date of retention of such counsel.

3. Requests for extension based upon unusual case complexity or novel issues of law must be accompanied by a showing of the particular facts or legal issues resulting in such complexity.

4. Requests for extension based upon other commitments or counsel must be accompanied by a specific and documented showing of the nature of such commitments and counsel's inability to make a timely submission.

5. Requests for extension based upon personal circumstances affecting a party or counsel shall be accompanied by a detailed showing of such circumstances including medical or other documentation if applicable.

(f) *Late filings.* Unless an extension of time has been specifically granted by the Board pursuant to subsection (e) or is pending before the Board, any petition for review, cross petition for review, or response which is filed after time limits must be accompanied by a motion for waiver and affidavit showing good cause for the untimely filing. Such showing must include:

(1) The reasons for failure to request an extension in advance of the filing date; and

(2) The reasons necessitating the late filing. See Examples under (e).

Other parties to the proceeding shall have eight days from the date of service of the motion for waiver in which to file a response to such motion. Such response may be included in the response to the petition for review, cross petition for review or response to the cross petition for review. Such response will not extend the period of time required by § 1201.114(d) to respond to the petition or cross petition. In the absence of a motion for waiver, the Board may, in its discretion, determine on the basis of the existing record whether there was good cause for the untimely filing or provide the proponent of the submission opportunity to show cause why it should not be dismissed or excluded as untimely.

(g) *Intervention.* (1) By Director of OPM. Pursuant to 5 U.S.C. 7701(d), the Director of OPM may intervene in a case before the Board under the standards set forth in that section, provided that right is exercised as early in the proceeding as practicable. For purposes of this section, if the Director did not intervene in the case before the regional office, such intervention will be considered timely if it is filed within 20 days of the date of service of the response to the petition for review, or if no response is filed, within 20 days of the date on which it is due. The Board may, in its discretion, at the Director's request, allow an additional period for the filing of the brief on intervention. A party may respond to the Director's brief within 15 days of the date of service. The Director shall serve his notice of intervention and brief on all parties.

(2) *By Special Counsel.* Pursuant to 5 U.S.C. 1206(i) the Special Counsel may intervene as a matter of right. For purposes of this section, if the Special Counsel did not intervene in the case before the regional office, such intervention will be considered timely if it is filed within 20 days of the date of service of the response to the petition for review, or if no response is filed, within 20 days of the date on which it is due. The Board may, in its discretion, at the Special Counsel's request, allow an additional period for the filing of the brief on intervention. A party may respond to the Special Counsel's brief within 15 days of the date of service. The Special Counsel shall serve his notice of intervention and brief on all parties.

(3) *Permissive intervenors.* Any person may, by motion, request the Board to grant permission to intervene. The motion shall state in detail the reasons why the person should be permitted to intervene. A motion for permission to intervene will be granted where the requester will be affected directly by the outcome of the proceeding, including any person alleged to have committed a prohibited personnel practice under 5 U.S.C. 2302(b).

(h) *Service.* Copies of the petition for review, cross petition for review, response, and all other motions and pleadings in connection therewith must be served by the party submitting the pleading upon all parties to the proceeding and their designated representatives. Service may be made by mailing or delivering personally a copy of the submission to each party and representative on the service list for the initial decision. The submission must be accompanied by a certificate specifying how and when such service was made. It is the duty of all parties and representatives to notify the Board and each other in writing of any changes in the names and addresses on the service list.

(i) *Closing the record.* The record shall close upon expiration of the period for filing the response to the petition for review, or to the cross petition for review, or to the brief on intervention, if any, or on such other date as set by the Board. Once the record is closed, no additional evidence or argument shall be considered except upon a showing that new and material evidence has become available which was not

available prior to the closing of the record.

(5 U.S.C. 1101 et seq.)

Dated: August 6, 1984.

For the Board.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 84-21213 Filed 8-9-84; 8:45 am]

BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Official Records and Forms (General)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: In compliance with the requirements for periodic review of existing regulations, the Federal Grain Inspection Service (FGIS or Service) reviewed and proposes to revise the regulations under the United States Grain Standards Act (Act), as amended, concerning Official Records and Forms (General) to condense certain language and reorganize the provisions so as to improve the clarity of and facilitate the use of these regulations.

DATE: Comments must be submitted on or before October 9, 1984.

ADDRESS: Comments must be submitted in writing to Lewis Lebakken, Jr., Information Resources Management Branch (RM), FGIS, USDA, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382-1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., address as above, telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION: .

Executive Order 12291

This proposed rule conforms with Executive Order 12291 and Departmental Regulation 1512-1. The proposed action is classified as nonmajor because it does not meet the criteria for a major rule established in the Order.

Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles, Administrator, FGIS, determined that this proposed action does not have a significant economic impact on a substantial number of small entities because most users of the official inspection and weighing services and those entities that perform these services do not meet the requirement for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.).*

Information Collection and Recordkeeping Requirements

In compliance with the Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implements the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and section 3504(h) of the Act, the previously approved information collection and recordkeeping requirements contained in this proposed rule have been submitted to OMB for review. Comments concerning these requirements should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Department of Agriculture, Room 3201, NEOB, Washington, D.C. 20503.

Regulatory Review

The review of the regulations concerning Official Records and Forms (General) (7 CFR 800.145-800.155) included a determination of continued need for and consequences of the regulations. The objective of the review was to ensure that the regulations are serving their intended purpose, the language is clear, and the regulations are consistent with FGIS policy and authority. FGIS has determined that, in general, these regulations are serving their intended purpose, are consistent with FGIS policy and authority, and should remain in effect. FGIS, however, proposes to amend §§ 800.145-800.155 by reorganizing the text to combine and consolidate compatible sections and make other miscellaneous changes for clarity.

The present sections contain provisions concerning official records kept by agencies and contractors (§ 800.145); retention periods for official records (§ 800.146); availability of official records (§ 800.147); records issued by the Service under the Act (§ 800.148). Sections 800.149 through 800.155 contain provisions relating to records on: delegations, designations, contracts, and approval of scale testing organizations; organization, staffing, and budget; licenses, authorizations, and approvals; fee schedules; space and equipment; official inspection, Class X or Class Y weighing, and equipment testing services; and related official records.

The intent and purpose of these provisions is to require that specified records be prepared and maintained in a manner that would facilitate the daily use of the records as well as the review and audit of the records to determine compliance with the Act, regulations, standards, and instructions. The changes proposed do not alter the intent and purpose of these sections.

In addition to specifying the intent and purpose of these regulations in proposed § 800.145, these proposed revisions would reorganize the text to combine and consolidate compatible sections. The present §§ 800.146 and 800.154 would be reorganized to separate out certain provisions in the present sections. This, in part, would result in the addition of four new sections with appropriate renumbering of the present sections. Applicable retention periods would be included in each section, as appropriate.

The proposed reorganization would include sections providing for maintenance and retention of records as follows: general requirements, § 800.145; delegations, designation, contracts, and approval of scale testing organization, § 800.147; organization, staffing and budget, § 800.148; licenses and approvals, §800.149; fee schedules, § 800.150; space and equipment, § 800.151; file samples, § 800.152; and official inspection, Class X or Class Y weighing, and equipment service, § 800.153. Sections 800.154 through 800.159 would include provisions as to the availability of official records; detailed work records; official inspection records; official weighing records; equipment testing work records; and related official records.

While approved scale testing organizatons are mentioned in the present regulations, more references are included in the proposed action to clarify that the recordkeeping requirements also apply to these organizations. Other minor changes, including grammatical changes, are proposed to clarify these provisions of the regulations.

Even though a reorganization of these provisions is proposed, the substance including the record and sample retention periods would remain unchanged.

List of Subjects in 7 CFR Part 800

Administrative practices.

Accordingly, it is proposed that 7 CFR 800 of the regulations be amended as follows:

PART 800—GENERAL REGULATIONS; OFFICIAL RECORDS AND FORMS (GENERAL)

1. Section 800.145 is revised to read as follows:

§ 800.145 Maintenance and retention of records—general requirements.

(a) *Preparing and maintaining records.* The records specified in §§ 800.146–800.159 shall be prepared and maintained in a manner that will facilitate (1) the daily use of records and (2) the review and audit of the records to determine compliance with the Act, the regulations, the standards, and the instructions.

(b) *Retaining records.* Records shall be retained for a period not less than that specified in §§ 800.146–800.159. In specific instances, the Administrator may require that records be retained for a period of not more than 3 years in addition to the specified retention period. In addition, records may be kept for a longer time than the specified retention period at the option of the agency, the contractor, the approved scale testing organization, or the individual maintaining the records.

(Approved by the Office of Management and Budget under control number 0580–0001.)

2. Section 800.146 is revised to read as follows:

§ 800.146 Maintenance and retention of records issued by the Service under the Act.

Agencies, contractors, and approved scale testing organizations shall maintain complete records of the regulations, the standards, any instructions issued by the Service, and all amendments and revisions thereto. These records shall be maintained until superseded or revoked.

(Approved by the Office of Management and Budget under control number 0580–0001.)

3. Section 800.147 is revised to read as follows:

§ 800.147 Maintenance and retention of records on delegations, designations, contracts, and approval of scale testing organizations.

Agencies, contractors, and approved scale testing organizations shall maintain complete records of their delegation, designation, contract, or approval. These records consist of a copy of the delegation or designation documents, a copy of the current contract, or a copy of the notice of approval, respectively, and all amendments and revisions thereto. These records shall be maintained until superseded, terminated, revoked, or cancelled.

(Approved by the Office of Management and Budget under control number 0580–0001.)

4. Section 800.148 is revised to read as follows:

§ 800.148 Maintenance and retention of records on organization, staffing, and budget.

(a) *Organization.* Agencies, contractors, and approved scale testing organizations shall maintain complete records of their organization. These records consist of the following documents: (1) If it is a business organization, the location of its principal office; (2) if it is a corporation, a copy of the articles of incorporation, the names and addresses of officers and directors, and the names and addresses of shareholders; (3) if it is a partnership or an unincorporated association, the names and addresses of officers and members, and a copy of the partnership agreement or charter; and (4) if it is an individual, the individual's place of residence. These records shall be maintained for 5 years.

(b) *Staffing.* Agencies, contractors, and approved scale testing organizations shall maintain complete records of their employees. These records consist of (1) the name of each current employee, (2) each employee's principal duty, (3) each employee's principle duty station, (4) information about the training that each employee has received, and (5) related information required by the Service. These records shall be maintained for 5 years.

(c) *Budget.* Agencies, contractors, and approved scale testing organizations shall maintain complete records of their budget. These records consist of actual income generated and actual expenses incurred during the current year. Complete accounts for receipts from (1) official inspection, weighing equipment testing, and related services; (2) the sale of grain samples; and (3) disbursements from receipts shall be available for use in establishing or revising fees for services under the Act. Budget records shall also include detailed information on the disposition of grain samples obtained under the Act. These records shall be maintained for 5 years.

(Approved by the Office of Management and Budget under control number 0580–0001.)

5. Section 800.149 is revised to read as follows:

§ 800.149 Maintenance and retention of records on licenses and approvals.

(a) *Licenses.* Agencies, contractors, and approved scale testing organizations shall maintain complete records of licenses. These records consist of current information showing (1) the name of each licensee, (2) the scope of each licensee, (3) the termination date of each license, and (4) related information required by the Service. These records shall be maintained for the tenure of the licensee.

(b) *Approvals.* Agencies shall maintain complete records of approvals of weighers. These records consist of current information showing the name of each approved weigher employed by or at each approved weighing facility in the area of responsibility assigned to an agency or field office. These records shall be maintained for the tenure of the licensee.

(Approved by the Office of Management and Budget under control number 0580–0001.)

6. Section 800.150 is revised to read as follows:

§ 800.150 Maintenance and retention of records on fee schedules.

Agencies, contractors, and approved scale testing organizations shall maintain complete records on fee schedules. These records consist of (a) a copy of the current fee schedule; (b) in the case of an agency, data showing how the fees in the schedule were developed; (c) superseded fee schedules; and (d) related information required by the Service. These records shall be maintained for 5 years.

(Approved by the Office of Management and Budget under control number 0580–0001.)

7. Section 800.151 is revised to read as follows:

§ 800.151 Maintenance and retention of records on space and equipment.

(a) *Space.* Agencies shall maintain complete records on space. These records consist of (1) a description of space that is occupied or used at each location, (2) the name and address of the owner of the space, (3) financial arrangements for the space, and (4) related information required by the Service. These records shall be maintained for 5 years.

(b) *Equipment.* Agencies shall maintain complete records on equipment. These records consist of (1) the description of each piece of equipment used in performing official inspection or Class X or Class Y weighing services under the Act, (2) the location of the equipment, (3) the name and address of the owner of the equipment, (4) the schedules for equipment testing and the results of the testing, and (5) related information required by the Service. These records shall be maintained for 5 years.

(Approved by the Office of Management and Budget under control number 0580–0001.)

8. Section 800.152 is revised to read as follows:

§ 800.152 Maintenance and retention of file samples.

(a) *General.* The Service and agencies shall maintain complete file samples for their minimum retention period (calendar days) after the official function was completed or the results otherwise reported.

(b) *Minimum retention period.*

(i) Trucks	
In	3
Out	5
(ii) Railcars	
In	5
Out	10
(iii) Barges (river)	
In	5
Out	25
(iv) Ships and Barges (lake or ocean)	
In	5
Out	25
Export (sublot samples)	60
(v) Bins and Tanks	3
(vi) Submitted Samples	3

Upon request by an agency and with the approval of the Service, specified file samples or classes of file samples may be retained for shorter periods of time.

(c) *Special retention periods.* In specific instances, the Administrator may require that file samples be retained for a period of not more than 90 calendar days. File samples may be kept for a longer time than the regular retention period at the option of the Service, the agency, or the individual maintaining the records.

(Approved by the Office of Management and Budget under control number 0580–0001.)

9. Section 800.153 is revised to read as follows:

§ 800.153 Maintenance and retention of records on official inspection, Class X or Class Y weighing, and equipment testing service.

Agencies and approved scale testing organizations shall maintain complete detailed official inspection work records, copies of official certificates, and equipment testing work records for 5 years.

(Approved by the Office of Management and Budget under control number 0580–0001.)

10. Section 800.154 is revised to read as follows:

§ 800.154 Availability of official records.

(a) *Availability to officials.* Each agency, contractor, and approved scale testing organization shall permit authorized representatives of the Comptroller General, the Secretary, or the Administrator to have access to and to copy without charge, during customary business hours any records maintained under §§ 800.146—800.159.

(b) *Availability to the public*—(1) *Agency, contractor, and approved scale testing organization records.* The following official records will be available, upon request by any person, for public inspection during customary business hours: (i) Copies of the Act, the regulations, the standards, and the instructions; (ii) the delegation, designation, contract, or approval issued by the Service; (iii) organization and employee records; (iv) a list of licenses and approvals; and (v) the approved fee schedule of the agency, if applicable.

(2) *Service records.* Records of the Service are available in accordance with the Freedom of Information Act (5 U.S.C. 552(a)(3)) and the regulations of the Secretary of Agriculture (7 CFR, Part 1, Subpart A).

(c) *Locations where records may be examined or copied*—(1) *Agency, contractor, and approved scale testing organization records.* Records of agencies, contractors, and approved scale testing organizations available for public inspection shall be retained at the principal place of business of the agency, contractor, or approved scale testing and certification organization.

(2) *Service records.* Records of the Service available for public inspection shall be retained at each field office and at the headquarters of the Service in Washington, D.C.

11. Section 800.155 is revised to read as follows:

§ 800.155 Detailed work records—general requirements.

(a) *Preparation.* Detailed work records shall be prepared for each official inspection, Class X or Class Y weighing, and equipment testing service performed or provided under the Act. The records must (1) be on standard forms prescribed in the instructions; (2) be typed or legibly written in English; (3) be concise, complete, and accurate; (4) show all information and data that are needed to prepare the corresponding official certificates or official report; (5) show the name or initials of the individual who made each determination; and (6) show other information required by the Service to monitor or supervise the service provided.

(b) *Use.* Detailed work records shall be used as a basis for (1) issuing official certificates or official forms, (2) approving inspection and weighing equipment for the performance of official inspection or Class X or Class Y weighing services, (3) monitoring and supervising activities under the Act, (4) answering inquiries from interested persons, (5) processing complaints, and (6) billing and accounting. These records may be used to report results of official inspection or Class X or Class Y weighing services in advance of issuing an official certificate.

(c) *Standard forms.* The following standard forms shall be furnished by the Service to an agency: Official Export Grain Inspection and Weight Certificates (singly or combined), official inspection logs, official weight loading logs, official scale testing reports, and official volume of work reports. Other forms used by an agency in the performance of official services, including certificates, will be furnished by the agency.

(Approved by the Office of Management and Budget under control number 0580–0001.)

12. Section 800.156 is added to read as follows:

§ 800.156 Official inspection records.

(a) *Pan tickets.* The record for each kind of official inspection service identified in § 800.76 shall, in addition to the official certificate, consist of one or more pan tickets as prescribed in the instructions. Activities that are performed as a series during the course of an inspection service may be recorded on one pan ticket or on separate pan tickets. The original copy of each pan ticket shall be retained by the agency or field office that performed the inspection.

(b) *Inspection logs.* The record of an official inspection service for grain in a combined lot and shiplot shall include the official inspection log as prescribed in the instructions. The original copy of each inspection log shall be retained by the agency or field office that performed the inspection. If the inspection is performed by an agency, one copy of the inspection log shall be promptly sent to the appropriate field office.

(c) *Other forms.* Any detailed test that cannot be completely recorded on a pan ticket or an inspection log shall be recorded on other forms prescribed in the instructions. If the space on a pan ticket or an inspection log does not permit showing the full name for an official factor or an official criteria, an approved abbreviation may be used.

(d) *File samples*—(1) *General.* The record for an official inspection service based, in whole or in part, on an examination of a grain in a sample shall include one or more file samples as prescribed in the instructions.

(2) *Size.* Each file sample shall consist of an unworked portion of the official sample or warehouseman's sample obtained from the lot of grain and shall be large enough to permit a reinspection, appeal inspection, or Board appeal

inspection for the kind and scope of inspection for which the sample was obtained. In the case of a submitted sample inspection, if an undersized sample is received, the entire sample shall be retained.

(3) *Method.* Each file sample shall be retained in a manner that will preserve the representativeness of the sample from the time it is obtained or received by the agency or field office until it is discarded. High moisture samples, infested samples, and other problem samples shall be retained according to the instructions.

(4) *Uniform system.* To facilitate the use of file samples, agencies shall establish and maintain a uniform file sample system according to the instructions.

(5) *Forwarding samples.* Upon request by the supervision field office or the Board of Appeals and Review, each agency shall furnish file samples (i) for field appeal or Board appeal inspection service, or (ii) for monitoring or supervision. If, at the request of the Service, a file sample is located and forwarded by an agency for an appeal inspection, the agency may, upon request, be reimbursed at the rate prescribed in § 800.71 by the Service for the cost of locating and forwarding samples.

(Approved by the Office of Management and Budget under control number 0580–0001.)

13. Section 800.157 is added to read as follows:

§ 800.157 Official weighing records.

(a) *Scale ticket, scale tape, or other weight records.* In addition to the official certificate, the record for each Class X or Class Y weighing service shall consist of a scale ticket, a scale tape, or any other weight record prescribed in the instructions.

(b) *Weighing logs.* The record of a Class X or Class Y weighing service performed on bulk grain in a combined lot or bulk shiplot grain shall include the official weighing log as prescribed in the instructions. The original copy of each weighing log shall be retained by the field office or agency that performed the weighing.

(Approved by the Office of Management and Budget under control number 0580–0001.)

14. Section 800.158 is added to read as follows:

§ 800.158 Equipment testing work records.

The record for each official equipment testing service or activity consists of an official equipment testing report as prescribed in the instructions. Upon completion of each official equipment test, one or more copies of the completed testing report may, upon request, be issued to the owner or operator of the equipment. The testing report shall show the (a) date the test was performed, (b) name of the organization and personnel that performed the test, (c) names of the Service employees who monitored the testing, (d) identification of equipment that was tested, (e) results of the test, (f) names of any interested persons who were informed of the test results, (g) number or other identification of the approval tag or label affixed to the equipment, and (h) other information required by the instructions.

(Approved by the Office of Management and Budget under control number 0580–0001.)

15. Section 800.159 is added to read as follows:

§ 800.159 Related official records.

(a) *Volume of work report.* Field offices and agencies shall prepare periodic reports showing the kind and the volume of inspection and weighing services that they performed. The report shall be prepared and copies shall be submitted to the Service according to the instructions.

(b) *Record of withdrawals and dismissals.* Field offices and agencies shall maintain a complete record of requests for official inspection or weighing services that are withdrawn by the applicant or that they conditionally withhold or dismiss. The record shall be prepared and maintained according to the instructions.

(c) *Licensee record.* Licensees, including licensed warehouse samplers, shall (1) keep the license issued to them by the Service and (2) keep or have reasonable access to a complete record of the Act, the standards, the regulations, and the instructions.

(The information collection requirements contained in paragraph (a) were approved by the Office of Management and Budget under control number 0580–0006. The requirements contained in paragraphs (b) and (c) were approved under control number 0580–0001.)

(Secs. 14, 18, Pub. L. 94–582, 90 Stat. 2882, 2884; (U.S.C 87a, 87e))

Dated: July 30, 1984.

Kenneth A. Gilles,

Administrator.

[FR Doc. 84–21301 Filed 8–9–84; 8:45 am]

BILLING CODE 3410–EN–M

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7 CFR Part 810

Proposed Revision of the U.S. Standards for Flaxseed

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: According to the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) has reviewed the U.S. Standards for Flaxseed, and proposes to revise the standards by (1) deleting the moisture requirement for Sample grade flaxseed, (2) revising the definition of flaxseed, (3) adding definitions for distinctly low quality and other grains, (4) adding a section for temporary modification of equipment and procedures, (5) revising the section on percentages to clarify its scope, (6) including limits in the Sample grade requirements for flaxseed, and (7) making other miscellaneous changes in language, format, and references. These changes are proposed so as to update and conform the standards to other grain standards.

DATE: Comments must be submitted on or before October 9, 1984.

ADDRESS: Comments must be submitted in writing to Lewis Lebakken, Jr., Information Resources Management Branch, USDA, FGIS, Room 0667 South Building, 1400 Independence Avenue, S.W., Washington, DC 20250, telephone (202) 382–1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., address as above, telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512–1. The action has been classified as "Nonmajor" because it does not meet the criteria for a major regulation as established in the Order.

Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities because those persons who apply the standards and most users of flaxseed inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Further, the standards are applied equally to all entities by FGIS employees or licensed persons.

Review of Standards

This review of the standards included a determination of the continued need for the standards and the potential to clarify or simplify the language of the standards; a review of changes in marketing practices and functions affecting the standards; a review of changes in technology and economic conditions in the area affected by the standards; and a determination of the potential to improve the standards and their application through the incorporation of grading factors or tests which better indicate quality attributes. The objective is to assure that the standards continue to serve the needs of the market to the greatest possible extent.

A notice requesting public comment on the U.S. Standards for Flaxseed was published in the December 29, 1983 **Federal Register** (48 FR 57304). Within the 60-day comment period, one comment was received. The comment addressed two issues in the notice:

1. Should the format of the flaxseed standards (7 CFR 810.501 *et seq.*) be updated to conform to the current arrangement of the sections as appears in the wheat standards?

2. Should the moisture requirement for Sample grade flaxseed be deleted?

The commenter agreed that the format of the flaxseed standard should be updated and that the moisture requirement for Sample grade flaxseed be deleted.

Comments, including data, views, and arguments, are solicited from interested persons. Pursuant to section 4(b) of the United States Grain Standard Act (7 U.S.C. 76(b)), upon request, such information may be orally presented in an informal manner. Also, pursuant to section 4(b) of the Act no standards established or amendments or revocations of standards under the Act are to become effective less than one calendar year after promulgation, unless in the judgment of the Administrator the public health, interest, or safety requires that they become effective sooner.

In addition, a review of available information indicates that certain revisions in the standards would increase clarity and effectiveness of the standards and reflect current marketing practices. As a result of this review FGIS proposes the following changes to the U.S. Standards for Flaxseed:

1. To enhance clarity and uniformity between standards, FGIS proposes to revise the U.S. Standards for Flaxseed by dividing the standards into 3 parts, and into sections, similar to the present format in the U.S. Standards for Wheat. Specifically, in addition to the changes discussed below, Part I, *Terms Defined* would consist of a new § 810.501, *Definition of flaxseed*, and a new § 810.502, *Definition of other terms*. Part II, *Principles Governing Application of Standards* would consist of a new § 810.503, *Basis of determination*, a new § 810.504, *Temporary modifications in equipment and procedures*, and a new § 810.505, *Percentages*. Part III, *Grades, Grade Requirements, and Grade Designations* would consist of a new § 810.506, *Grades and grade requirements for flaxseed* and a new § 810.507, *Grade designations*. Incidental to this revision, the current § 810.501, *Terms defined* would be eliminated as unnecessary. The current § 810.502, *Flaxseed* would be clarified by reworking the definition and included in the new § 810.501, *Definition of flaxseed*. Included in a new § 810.502 would be the current § 810.503, *Dockage*, § 810.504, *Damaged flaxseed*, § 810.505, *Heat-damaged flaxseed*, § 810.506, *Stones*, § 810.510, *Moisture*, and § 810.511, *Test weight per bushel*, and these sections would be clarified by rewording the definitions as necessary. Also included in the new § 810.502, *Definition of other terms*, would be definitions for 2 new terms, *Distinctly low quality* and *Other grains* which are terms presently used in the flaxseed standards and, as such, should be defined. The definitions are the same or similar to those used in other grain standards including wheat. The current § 810.507, *Principles governing application of standards* would be eliminated as unnecessary. The current § 810.508, *Basis of determinations* would be clarified by rewording the section and included in the new § 810.503, *Basis of determination* which would be divided into three subparagraphs, distinctly low quality, certain quality determinations and all other determinations. This format appears in the wheat standard and the information which will appear in the section generally is contained in the FGIS Grain Inspection Handbook. The current § 810.509, *Percentages* would be clarified by spelling out in greater detail the rounding procedures currently used for flaxseed. Accordingly, the proposed revision would specify how a figure would be rounded when followed by a figure greater, lesser, or equal to five. This revision would make the wording of the section the same or similar to that used in other grain standards, as appropriate. The section would be included in the new § 810.505, *Percentages*. The current § 810.512, *Grades* would be eliminated as unnecessary. The current § 810.513, *Grades and grade requirements for Flaxseed* would be clarified by making format changes and included in the new § 810.506, *Grades and grade requirements for Flaxseed*. The current § 810.514, *Grade designations* would be included in the new § 810.507, *Grade designations*.

2. FGIS proposed that the moisture requirement for Sample grade flaxseed which presently appears in § 810.513 be deleted. Flaxseed which contains moisture in excess of 9.5 percent is currently graded Sample grade. Moisture content is a condition of the grain rather than a quality factor. Pursuant to current trade practices, discounts for moisture generally are assessed on the actual moisture content rather than numerical grade to account for weight loss and drying costs of the handler. High moisture grain is a normal condition during movement from harvest into market channels or storage. Moisture content by itself does not imply an intrinsic quality, but rather measures the amount of dry matter and water content of the grain. Moreover, moisture content can be specified through contracting which is common practice, for example, with corn. Since specifying a maximum moisture content is a common practice, the grade limit generally does not serve a useful purpose. Also, the grain may be dried and graded accordingly. The moisture content will continue to be shown on all official certificates which show the official grade determination as required under § 800.162(a)(3) of the regulations. Moisture content is not a grade-determining factor in the U.S. Standards for Wheat, Barley, Oats, Triticale, and Rye. It has been proposed to be deleted from certain other grains. Accordingly, this proposal would add consistency among the various grain standards.

3. The equipment and procedures referred to in the flaxseed standards are applicable to grain produced and harvested under normal environmental conditions. FGIS proposes to provide that, when adverse growing or harvesting conditions make impractical the use of routine procedures, minor temporary modifications in the equipment or procedures may be required to obtain results expected under normal conditions. Accordingly, the addition of a new § 810.504 on temporary modifications in equipment and procedures is proposed. Adjustment in interpretations (i.e., identity, quality, and condition) shall not be made. This section is similar to sections which appear in other grain standards.

4. FGIS proposes to include in the definition of Sample grade (proposed in § 810.506) the limits for stones, pieces of

glass, crotalaria seeds, castor beans, particles of an unknown foreign substance(s) or a commonly recognized harmful or toxic substance(s), rodent pellets, bird droppings, and animal filth. The limits of 8 or more stones, 2 or more pieces of glass, 3 or more crotalaria seeds, 2 or more castor beans, 4 or more particles of an unknown foreign substance(s) or a commonly recognized harmful or toxic substance(s), and 10 or more pieces of rodent pellets, bird droppings, or other animal filth, have been followed in the inspection process for many years as they have appeared in the FGIS Grain Inspection Handbook and do not constitute new limits. The limits would be added to the definition of U.S. Sample grade for clarity and to conform flaxseed to other grain standards.

5. Footnotes would be updated to reference the Inspection and Equipment Handbooks as appropriate and delete outdated references.

6. It is proposed that allowable limits for crotalaria seeds be included in the definition of U.S. Sample grade for clarity and uniformity with other grain standards. This limit currently is included in § 810.901 which considers grain exceeding this limit as distinctly low quality. Section 810.901 still would be applicable to soybeans and corn but no longer would apply to flaxseed. Similar revisions have been made to all the other grain standards with the intention of eventually deleting § 810.901 in its entirety. A proposal to delete corn from § 810.901 was made on June 24, 1983 (48 FR 28998). Therefore, FGIS proposes to amend § 810.901 since the provision will be included in the Sample grade definition; and the section would not be referenced in the flaxseed standards.

List of Subjects in 7 CFR Part 810

Export, Grain.

PART 810—OFFICIAL U.S. STANDARDS FOR GRAIN

Accordingly, it is proposed that the United States Standards for Flaxseed (7 CFR 810.501–810.507 and 810.901) be revised to read as follows:

United States Standards for Flaxseed[1]

Terms Defined

§ 810.501 Definition of flaxseed.

The grain of common flaxseed (*Linum usitatissimum* L.) which, before the removal of the dockage, consists of 50 percent or more of flaxseed and not more than 20 percent of other grains for which standards have been established under the United States Grain Standards Act and which, after the removal of the dockage, contains 50 percent of more of whole flaxseed.

§ 810.501 Definition of other terms.

For the purpose of these standards, the following terms shall have the meanings stated below:

(a) *Damaged flaxseed.* Flaxseed and pieces of flaxseed which are badly ground-damaged, badly weather-damaged, diseased, frost-damaged, heat-damaged, insect-bored, mold-damaged, sprout-damaged, or otherwise materially damaged, in the sample after the removal of dockage.

(b) *Distinctly low quality.* Flaxseed which is obviously of inferior quality because it contains foreign substances or because it is in an unusual state or condition, and which cannot be properly graded by use of the other grading factors provided in the standards. Distinctly low quality shall include the presence of any objects too large to enter the sampling device; i.e., large stones, wreckage, or similar objects.

(c) *Dockage.* All matter other than flaxseed which can be readily removed from a portion of the original sample using an approved device following procedures prescribed in the Grain Inspection Handbook.[2] Also, underdeveloped, shriveled, and small pieces of flaxseed removed in separating the material other than flaxseed and which cannot be recovered by properly rescreening or recleaning. (See also § 810.505 and § 810.507.) For the purpose of this paragraph, "approved device" shall include the Carter Dockage Tester and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(d) *Heat-damaged flaxseed.* Flaxseed and pieces of flaxseed which are materially discolored and damaged by heat.

(e) *Moisture.* Water content in flaxseed as determined by an approved device following procedures prescribed in the Grain Inspection Handbook.[2] For the purpose of this paragraph, "approved device" shall include the Motomco Moisture Meter and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(f) *Other grains.* Barley, corn, cultivated buckwheat, einkorn, emmer, guar, hull-less barley, nongrain sorghum, oats, Polish wheat, popcorn, poulard wheat, rice, rye, safflower, sorghum, soybeans, spelt, sunflower, sweet corn, triticale, wheat, and wild oats.

(g) *Stones.* Concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(h) *Test weight per bushel.* The weight per Winchester bushel (2,150.42 cubic-inch capacity) as determined on a dockage-free test portion of the original sample using an approved device following instructions in the Grain Inspection Handbook.[2] Test weight per bushel shall be expressed in whole and half pounds. A fraction of a half pound shall be disregarded. For the purpose of this paragraph, "approved device" shall include the Fairbanks-Morse or Ohaus Test Weight Per Bushel Apparatus and any other equipment that is approved by the Administrator as giving equivalent results.[3]

Principles Governing the Application of the Standards

§ 810.503 Basis of determination.

(a) *Distinctly low quality.* The determination of distinctly low quality shall be made on the basis of the lot as a whole at the time of sampling when a condition exists that may not appear in the representative sample and/or the sample as a whole.

(b) *Certain quality determinations.* Each determination of the definition of flaxseed, rodent pellets, bird droppings, other animal filth, broken glass, castor beans, crotalaria seeds, dockage, stones, an unknown foreign substance(s) or a commonly recognized harmful or toxic substance(s), and otherwise distinctly low quality, shall be upon the basis of the sample as a whole.

(c) *All other determinations.* All other determinations shall be upon the basis of the grain when free from mechanically separated dockage, except the determination of odor shall be upon either the basis of the grain as a whole or the grain when free from mechanically separated dockage.

[1] Compliance with the provisions of the standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] The following publications are referenced in these standards. Copies may be obtained from the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, D.C. 20250

(a) Equipment Handbook, U.S. Department of Agriculture, Federal Grain Inspection Service.

(b) Grain Inspection Handbook, U.S. Department of Agriculture, Federal Grain Inspection Service.

[3] Requests for infomation concerning approved devices and procedures, criteria for approved devices, and requests for approval of devices should be directed to the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, D.C. 20250.

§ 810.504 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the flaxseed standards are applicable to flaxseed produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvest of flaxseed may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, proper notification will be made in a timely manner. Adjustments in interpretations (i.e., identity, quality, and condition) are excluded and shall not be made.

§ 810.505 Percentages.

(a) Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(1) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., state 0.46 as 0.5.

(2) When the figure to be rounded is followed by a figure less than 5, retain the figure; e.g., state 0.54 as 0.5.

(3) When the figure to be rounded is even and is followed by the figure 5, retain the even figure. When the figure to be rounded is odd and is followed by the figure 5, round the figure to the next higher number; e.g. state 0.45 as 0.4; state 0.55 as 0.6.

(b) Percentages shall be stated in whole and tenth percent to the nearest tenth percent, except when determining the percentage of dockage. The percentage of dockage when equal to one percent or more shall be stated in terms of whole percent, and when less than one percent shall not be stated. A fraction of a percent of dockage shall be disregarded.

Grades, Grade Requirements, and Grade Designations

§ 810.506 Grades and grade requirements for Flaxseed.

Grade	Minimum test weight per bushel (pounds)	Maximum limits of	
		Heat damaged flaxseed (percent)	Damaged Flaxseed (total) (percent)
U.S. No. 1	49.0	0.2	10.0
U.S. No. 2	47.0	0.5	15.0

U.S. Sample grade:

U.S. Sample grade shall be flaxseed which:

(a) Does not meet the requirements for the grades U.S. Nos. 1 or 2; or

(b) Contains 8 or more stones which have an aggregate weight in excess of 0.2 percent of the sample weight, 2 or more pieces of glass, 3 or more crotalaria seeds (*Crotalaria* spp.), 2 or more castor beans (*Ricinus communis*), 4 or more particles of an unknown foreign substance(s) or a commonly recognized harmful or toxic substance(s), 10 or more pieces of rodent pellets, bird droppings, or other animal filth; or

(c) Has a musty, sour, or commercially objectionable for eign odor (except smut or garlic odor); or

(d) Is heating or otherwise of distinctly low quality.

§ 810.507 Grade designation.

(a) *Grade designations for flaxseed.* The grade designations for flaxseed shall include in the following order: (1) The letters "U.S."; (2) the number of the grade or the words "Sample grade"; (3) the word "Flaxseed", and (4) when applicable, the word "dockage" together with the percentage thereof.

(b) *Optional grade designations.* Flaxseed may be certificated (under certain conditions [4]), when supported by official analysis, as "U.S. No. 2 or better Flaxseed" or "U.S. Sample grade or better Flaxseed".

Dockage, when applicable, also shall be included (under certain conditions [4]) in the certification.

* * * * *

Interpretations

§ 810.901 Interpretation with respect to the term distincly low quality.

The term *distinctly low quality*, when used in the United States Standards for Soybeans and in the United States Standards for Corn, shall be construed to include grain which contains more than two crotalaria seeds (*Crotalaria* spp.) in 1,000 grams of grain.

(Secs. 5, 18, Pub. L. 94–582, 90 Stat. 2869, 2884 (7 U.S.C. 76, 87 (e))

Dated: July 30, 1984.

Kenneth A. Gilles,

Administrator.

[FR Doc. 84–21302 Filed 8–9–84; 8:45 am]

BILLING CODE 3410-EN-M

[4] The conditions are listed in the Grain Inspection Handbook. Copies may be obtained from the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington D.C. 20250.

Agricultural Marketing Service

7 CFR Parts 907 and 908

[Docket Nos. AO–245–A8 and AO–250–A6]

Navel Oranges Grown in Arizona and Designated Part of California; Valencia Oranges Grown in Arizona and Designated Part of California; Amendment to Referendum Order

AGENCY: Agricultural Marketing Service.

ACTION: Amendment to Referendum Order.

SUMMARY: This action amends the Referendum Order attached to the proposed rule on navel and Valencia oranges published in the **Federal Register** on July 18, 1984 (49 FR 29701 at 29088). It revises the method of voting on proposed amendments of California-Arizona navel and Valencia orange marketing orders, changes the referenda dates to August 15 through August 31, 1984, appoints an additional referendum agent, and invalidates specified referendum ballots.

DATES: The voting period for purposes of the referenda is August 15 through August 31, 1984.

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of hearing issued March 11, 1983, and published in the March 17, 1983, issue of the **Federal Register** 49 FR 11276); Notice of Recommended Decision issued April 5, 1984, and published in the April 11, 1984, issue of the **Federal Register** (49 FR 14360); and Decision (and Referendum Order) on Proposed Further Amendment of Marketing Agreements and Orders 907 and 908, Both as Amended, issued July 12, 1984, and published in the July 18, 1984, issue of the **Federal Register** (49 FR 29071).

The present referendum order provides for the approval or disapproval of the marketing orders as proposed to be amended. That referendum order is hereby revised to permit producers to vote on each of the proposed amendments to each order. If individual changes are not approved by the requisite number of producers, the marketing orders will be continued.

The referendum period is hereby changed to August 15 through August 31, 1984, and an additional referendum agent is designated.

The referendum ballots mailed to Valencia and navel orange growers subsequent to the July 18, 1984, publication of the Secretary's Decision, are hereby invalidated. A revised ballot will be provided to those (and all other known) producers.

The Referendum Order is hereby revised to read as follows:

It is hereby directed that a referendum be conducted on the proposed amendments to each marketing order in accordance with the procedures for the conduct of referenda (7 CFR 900.400 *et seq.*), to determine whether producers, as defined under the terms of the orders,

who during the representative periods were engaged in the production of navel and Valencia oranges in the production area, favor the adoption of the proposed amendments to the orders, as amended, regulating the handling of navel and Valencia oranges grown in Arizona and designated part of California.

The referenda ballots will provide for voting on each of the proposed amendments.

The representative period is hereby determined to be November 1, 1983, through June 30, 1984, for navel oranges and February 1, 1983, through January 31, 1984, for Valencia oranges.

The agents of the Secretary to conduct such referenda are hereby designated to be Roland G. Harris, and Anne M. Dec, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 845 South Figueroa Street, Suite 540, Los Angeles, California 90017, and Martha B. Parris, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2532 South Building, Washington, D.C. 20250

List of Subjects in 7 CFR Parts 907 and 908

Marketing Agreements and Orders, California and Arizona, Oranges (Navel and valencia).

Dated: August 8, 1984.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84-21363 Filed 8-9-84; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR PART 591

[No. 84-401]

Preemption of State Due-on-Sale Laws; Imposition of Prepayment Penalties

August 2, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is proposing to revise its regulation prohibiting lenders from imposing prepayment penalties for or in connection with acceleration of loans on the security of borrower-occupied homes by the exercise of due-on-sale clauses. The proposed rule provides that a prepayment penalty may not be imposed if a lender: (1) Exercises a due-on-sale clause by written notice, (2) commences a foreclosure proceeding to enforce a due-on-sale clause or to seem payment in full as a result of invoking such a clause, or (3) fails to consent within a reasonable time to the written request of a qualified purchaser to assume the loan in accordance with its terms, and thereafter the borrower sells or transfers his home to that purchaser and prepays the loan in full.

DATE: Comments must be received by September 10, 1984.

ADDRESS: Sent comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, N.W. Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Joseph Longino, Attorney, Office of General Counsel, (202) 377-6446.

SUPPLEMENTARY INFORMATION: A Board regulation currently prohibits lenders originating or holding real property loans from imposing "a prepayment penalty or equivalent fee for or in connection with acceleration of the loan by exercise of a due-on-sale clause" if the loan is "on the security of a home occupied or to be occupied by the borrower." 12 CFR 591.5(b)(2).

Interpretations of this regulation by the Board's Office of General Counsel ("OGC") have restricted its prohibition to situations in which the lender has actually "called" the loan by exercising the right of acceleration under a due-on-sale clause. *E.g.*, OGC Opinion (Apr. 23, 1984) (construing § 591.5(b)(2)); OGC Opinion (Feb. 26, 1979) (construing predecessor provision applicable to federal associations, § 545.6-11(g)(2)). Under these opinions, borrowers who prepay loans in anticipation of due-on-sale acceleration—even when lenders have communicated this intent—may be charged prepayment penalties. On the other hand, borrowers who compel lenders to enforce due-on-sale clauses may not be charged prepayment penalties.

Since adoption of the Board's regulation on this issue, 48 FR 32160 (1983), lenders have increasingly imposed penalties in connection with the prepayment of loans in anticipation of loan acceleration. The explanation for this appears to be an attempt by some lenders to improve their weakened financial condition. While lenders for years have had the contractual right to impose penalties upon the prepayment of loans, in the past many waived that right if market interest rates at the time of prepayment permitted them to reloan the money prepaid at an equivalent or higher interest rate. In the wake of the impact of the interest-rate crisis of 1981-1982 upon the financial condition of many institutional lenders, however, such lenders have been much less willing to waive this right, even when the interest rate on the loan prepaid is below market interest rates. As a result, borrower complaints to the Board and to the Congress are increasing, and class-action litigation has been initiated against a California-chartered lender.

The present uses of prepayment penalty clauses, as well as due-on-sale clauses, are different from their original, intended uses. The due-on-sale clause was developed primarily to enable the lender to protect its security by regulating ownership and occupancy of the morgaged premises. Subsequently, it became a device to prevent the financing of the sale of real estate by loan assumption during periods of rising interest rates. R. Kratovil & Werner, Modern Mortgage Law and Practice 204-05 (2d ed. 1981).

At common law, the borrrower had no right to prepay a mortgage because prepayment deprived the lender of the benefit of the bargain. The prepayment-penalty clause was developed as a means of granting the borrower the contractual right to prepay the mortgage debt upon the payment of a fee or penalty to the lender. The traditional justification for this clause is that it enables the lender to recapture the fixed costs of making a loan, but this rationale seems debatable because the closing costs and other charges collected by the lender upon origination may more than compensate it for its fixed costs. In fact, prepayment penalties now function to discourage the borrower from refinancing when market interest rates fall below the mortgage interest rate, G. Osborne, G. Nelson & D. Whitman, *Real Estate Finance Law* 371-73 (1979), or to compensate the lender for lost income if the borrower nevertheless prepays in order to refinance or convey.

As they have come to be used, therefore, due-on-sale and prepayment-penalty clauses are complementary: the first assists lenders in avoiding being locked into below-market-rate loans,

and the second assists lenders in locking in above-market-rate loans. Properly used, they can help lenders in preserving both original contract terms and anticipated yields as a means of matching the durations of their assets and liabilities.

The Board proposes to revise its prepayment penalty regulation pursuant to its broad rulemaking authority under section 341 of the Garn-St Germain Depository Institutions Act of 1982 ("DIA"), 12 U.S.C. 1701j-3. The DIA established a national policy governing the use of due-on-sale clauses by affirming the federal preemption of state due-on-sale prohibitions and restrictions as to federal associations and by extending that preemption generally to all other lenders originating or holding real property loans, whether commercial or residential. *See id.* § 1701j-3 (b)(1), (c)(2)(C).

Specifically, section 341 authorizes the Board "to issue rules and regulations and to publish interpretations governing * * * [its] implementation," *id.* § 1701j-3(e)(1), particularly "the consumer protections set forth in subsection (d)," paragraph (9) of which "permits the * * * Board to use its rulemaking authority to provide additional consumer protections for circumstances where the enforcement of due-on-sale would be inequitable, which the Committee has not foreseen," S. Rep. No. 536, 97th Cong., 2d Sess. 58–59 (1982).

The Board is proposing to revise its regulation for two reasons:

First, the legislative history of section 341 suggests that the Congress, which apparently did not foresee the issue, might have objected to the imposition of penalties for prepayment in anticipation of due-on-sale acceleration, at least during periods of high market interest rates. With respect to due-on-sale enforcement, the Senate Committee on Banking, Housing, and Urban Affairs

> strongly urge[d] lenders and prospective homebuyers to negotiate assumption of an existing mortgage at the original contract rate, or at a blended interest rate. A blended rate—which is an interest rate between the lower contract rate and the higher market rate for newly originated loans—will often be in the best interests of lenders, homesellers and homebuyers, particularly during periods characterized by high interest rates. A blended rate mortgage benefits lenders by increasing interest income on an older loan, benefits homesellers by facilitating sale of a home, and benefits homebuyers by providing affordable, below market rate financing.

Id. at 21. Section 341(b)(3) encourages lenders to adopt this posture with respect to all real property loans. 12 U.S.C. 1701j-3(b)(3).

Second, equitable principles informing certain state judicial decisions and statutory provisions, while not binding on the Board, suggest that it is unfair for a lender which has not formally "called" a loan to achieve the same result by threatening to do so and then to demand a prepayment penalty. Before some courts, small prepayment penalties or no penalties at all have weighed for enforcement of due-on-sale clauses, while large prepayment penalties have weighed against enforcement. *E.g., Baltimore Life Insurance Co* v. *Harn*, 486 P.2d 190 (Ariz. Ct. App. 1971) (enforcement denied where lender sought prepayment penalty and attorney's fee); *Dunhan* v. *Ware Savings Bank*, 423 N.E.2d 998 (Mass. 1981) (enforcement granted where state statute permitted borrower to prepay with no penalty or with only "limited" penalty); *Century Federal Savings and Loan Association* v. *Van Glahn*, 364 A.2d 558 (N.J. Super. Ct. Ch. Div. 1976) (enforcement granted where state statute permitted borrower to prepay with no penalty or with only "slight" penalty); *Crockett* v. *First Federal Savings and Loan Association*, 224 S.E.2d 580 (N.C. 1976) (enforcement granted where lender had not included prepayment penalty clause in loan instruments); *cf., e.g.*, N.Y. Real Prop. Law § 254-a (McKinney Supp. 1983–84) (prepayment penalty prohibited if lender necessitates prepayment of loan on owner-occupied residential property by not consenting to purchaser's assumption request); Unif. Land Trans. Act § 3–208 (1977) (prepayment penalty prohibited if residential mortgage debt is paid in full within three months after failure to agree to higher interest rate demanded by lender).

As proposed, the rule would provide that a prepayment penalty may not be imposed with respect to loans on the security of a home occupied or to be occupied by the borrower if a lender: (1) Exercises a due-on-sale clause by written notice, (2) commences a foreclosure proceeding to enforce a due-on-sale clause or to seek payment in full as a result of invoking such a clause, or (3) fails to consent within a reasonable time to the written request of a qualified purchaser to assume the loan in accordance with its terms, and thereafter the borrower sells or transfers his home to that purchaser and prepays the loan in full.

The Board wishes to make four points concerning the operaton of the proposed rule.

First, the effective date of the rule, if adopted in final form, would be the date of publication of the proposal in the **Federal Register**. Thus, the rule would not provide a basis for restitution of prepayment penalties imposed prior to the publication of the proposal under circumstances which it would prohibit. The application of the proposed rule to all outstanding loans on borrower-occupied homes is consistent with the application of the other consumer protections contained in the statute and in the Board's implementing regulations. *See* S. Rep. No. 536, *supra*, at 24–25; 48 FR 21554, 21559 (1983).

Second, the rule would apply not only to a lender but also to a "party acting on behalf of the lender" in order to reach not only servicing agents but also other parties acting on behalf of lenders.

Third, the rule would provide that a lender must merely "[fail] to consent within a reasonable time" to the written request of a qualified purchaser to assume the loan in order to place on the lender the burden of moving expeditiously to process the request for assumption. If within a reasonable time the lender has not acted on a request, the borrower would be free to proceed with the sale by prepaying without penalty even though the lender has not rejected the request for assumption. The rule would provide that a "reasonable time" shall not exceed the lender's average time for processing new loan applications on comparable properties.

The Board is considering revising the proposed rule to provide that the lender must consent within a specified number of days or such shorter period as may be stipulated in the loan agreement. It hereby solicits comments concerning what specific time period would give lenders a reasonable opportunity to determine whether to consent to a requested assumption.

Fourth, the rule would provide that a purchaser may request to assume a loan "in accordance with its terms." If the purchaser requests to assume the loan in accordance with its terms, such terms would be deemed to include not only terms for the adjustment of a variable interest rate applicable to the loan in the hands of the borrower but also the interest rate the borrower was paying as adjusted by terms not triggered by an assumption or a request therefor.

The Board recognizes that the proposal would have the effect of depriving lenders of a potential source of income at a time when many of them need additional income, but the concern of the Congress for consumer protection must also be considered. The Board believes that the potential economic effect of the proposal on lenders would be minimal because most lenders permit the assumption of a loan in accordance with its terms when requested unless

interest rates have risen, in which case the proceeds from the loan payoff can be reinvested at higher interest rates.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, 5 U.S.C. 603, the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objectives, and legal basis underlying the proposed rule.* These elements are incorporated above in the **SUPPLEMENTARY INFORMATION** regarding the proposal.

2. *Small entities to which the proposed rule would apply.* The proposal would apply to all "lenders," as defined in 12 CFR 591.2(g).

3. *Impact of the proposed rule on small entities.* This element is incorporated above in the **SUPPLEMENTARY INFORMATION** regarding the proposal.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that duplicate, overlap, or conflict with this proposal.

5. *Alternatives to the proposed rule.* There are no alternatives to the proposed rule which would more equitably and more uniformly balance the competing interests of all affected parties.

The Board is providing for a 30-day comment period because it wishes to expedite the rulemaking process as a means of minimizing uncertainty in the home lending market.

List of Subjects in 12 CFR Part 591

Banks, Banking preemption of state due-on-sale laws, Mortgages, Imposition of prepayment penalties.

PART 591—PREEMPTION OF STATE DUE-ON-SALE LAW

Accordingly, the Board hereby proposes to amend Part 591, Subchapter G, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

Revise § 591.5(b)(2) as follows. The introductory text of paragraph (b) is printed for the convenience of the reader.

§ 591.5 Limitation on exercise of due-on-sale clauses.

* * * * *

(b) *Specific limitations.* With respect to any loan on the security of a home occupied or to be occupied by the borrower, * * *

(2) A lender shall not impose a prepayment penalty or equivalent fee when the lender or party acting on behalf of the lender declares by written notice that the loan is due pursuant to a due-on-sale clause; and, after [day before publication date of proposal] a lender shall not impose a prepayment penalty or equivalent fee when the lender or party acting on behalf of the lender:

(i) Commences a judicial or nonjudicial foreclosure proceeding to enforce the due-on-sale clause or to seek payment in full as a result of invoking such clause; or

(ii) Fails to consent within a reasonable time to the written request of a qualified purchaser of the security property to assume the loan in accordance with its terms, and thereafter the borrower sells or transfers the security property to such purchaser and prepays the loan in full. A "reasonable time" shall not exceed the lender's average time for processing new loan applications on comparable properties.

(Sec. 341, 96 Stat. 1469, 1505–07, as amended (codified at 12 U.S.C. 1701j–3))

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 84–21038 Filed 8–9–84; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84–CE–18–AD]

Airworthiness Directives; Pilatus Britten-Norman; Model BN–2 and BN–2T Islander Series and BN–2A Mark III Trislander Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD), applicable to Pilatus Britten-Norman Model BN–2 and BN–2T Islander Series and BN–2A Mark III Trislander Series airplanes which supersedes AD 83–07–18, Amendment 39–4620 (48 FR 15452, 15453). The superseded AD required inspections and repairs or part replacement to the upper engine mount-to-wing brackets on the BN–2, BN–2A and BN–2B Islander Series airplanes and BN–2A MK III Trislander Series airplanes. Subsequent to the issuance of AD 83–07–18, the FAA became aware that Pilatus Britten-Norman (the manufacturer) had published Issue 5 of Mandatory Service Bulletin BN–2/SB.61, dated 9 December 1981, which requires more frequent and detailed inspections and contains improved modification/corrective action. This superseding AD incorporates this service bulletin which will assure early detection of deteriorated upper engine mount-to-wing brackets prior to failure and repair/replacement using currently available improved parts and procedures.

DATE: Comments must be received on or before September 14, 1984.

ADDRESSES: Pilatus Britten-Norman Ltd., Service Bulletin (SB) No. BN–2/SB.61, Issue 5, dated 9 December 1981, applicable to this AD may be obtained from Pilatus Britten-Norman Ltd., Bembridge, Isle of Wight, England, or the Rules Docket at the address below.

Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 84–CE–18–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. H.C. Belderok, FAA ACE–109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket

No. 84–CE–18–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

To prevent failure of the upper engine mount due to service damage, the manufacturer published SB No. BN–2/SB.61 Issue 3, recommending visual inspection and repair or replacement, as necessary, of the upper engine mounting brackets used on Pilatus Britten-Norman Ltd. BN–2, BN–2A and BN–2B Islander Series airplanes. Compliance with this SB was made mandatory by AD 76–15–04, Amendment 39–2677. Subsequent thereto, the manufacturer determined that the same type of damage or structural defects could develop in the BN–2A MK III Trislander Series airplanes and, as a result, published Issue 4 of SB No. BN–2/SB.61 which amplified the action prescribed by the earlier Issue 3 of the SB and extended the applicability to include the BN–2A, MK III Trislander Series airplanes. In addition, the FAA received one report of failure on a Trislander and two reports of cracks on the Islander Series. The FAA found that the condition addressed by this SB was an unairworthy condition likely to exist on airplanes certificated for operation in the United States and issued AD 83–07–18, superseding AD 76–15–04, which required visual inspection every 1,000 hours time-in-service, in accordance with Pilatus Britten-Norman SB BN–2/SB.61 Issue 4 of the upper engine mount-to-wing brackets for bolt hole short edge distance, elongation of bolt holes, fretted bushings and cracks radiating from bolt or rivet holes and repair/replacements, as necessary, on Pilatus Britten-Norman Ltd. BN–2, BN–2A and BN–2B Islander Series and BN–2A MK III Trislander Series airplanes. Subsequently Pilatus Britten-Norman developed modification/corrective action (MOD NB/M/1147) which was incorporated at the factory on airplanes Serial No. 2034 and subsequent, and required retroactive correction on all previous airplanes including the added BN–2T Islander Series. As a result, Pilatus Britten-Norman issued Service Bulletin No. BN–2/SB.61 Issue 5, dated 9 December 1981, which requires a visual inspection of the engine mount-to-wing brackets every 500 hours time-in-service, and specifies modification/corrective action for minimum bolt hole-to-edge distance, elongation of bolt holes, distortion, delamination, cracks, flaking and corrosion, correct bolt bearing length, loose and fretted bushings. The United Kingdom Civil Aviation Authority (UKCAA), who has the responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom, has classified this Service Bulletin (SB) No. BN–2/SB.61 Issue 5, dated 9 December 1981, and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under UKCAA registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Pilatus Britten-Norman Service Bulletin No. BN–2/SB.61 Issue 5, dated 9 December 1981, and the mandatory classification of this service bulletin by the UKCAA.

Based on the foregoing, the FAA believes that the condition addressed by this SB is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD superseding AD 83–07–18, Amendment 39–4620, would require a visual inspection of the engine mount-to-wing brackets every 500 hours time-in-service, and specify modification/corrective action for minimum bolt hole-to-edge distance, elongation of bolt holes, distortion, delamination, cracks, flaking and corrosion, correct bolt bearing length, loose and fretted bushings on affected airplanes.

There are approximately 145 airplanes affected by the proposed AD. The cost of complying with the proposed AD is estimated to be $70 per airplane. No small entities impacted by this AD own sufficient airplanes to cause their cost of compliance to equal or exceed the significant cost level.

Note.—For reasons discussed earlier in the preamble: The FAA has determined that this document: (1) Involves a proposed regulation that is not major under the provisions of Executive Order 12291, (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) certifies under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location identified under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

PART 39—[AMENDED]

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Pilatus Britten-Norman Ltd.: Applies to Model BN–2, BN–2A, BN–2B and BN–2T Islander Series, except those modified to MOD NB/M/1147 (up to Serial No. 2034), and BN–2A MK III Trislander Series (all serial numbers) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of the upper engine mounting brackets, accomplish the following:

(a) Within 100 hours time-in-service for airplanes with more than 400 hours time-in-service but not more than 1,000 hours time-in-service since complying with AD 83–07–18, or at the next scheduled or unscheduled engine removal, and every 500 hours time-in-service thereafter.

(1) Visually inspect in accordance with paragraph 1 through 6 of the "Inspection" section of the Pilatus Britten-Norman Ltd. Service Bulletin No. BN–2/SB.61 Issue 5, dated 9 December 1981 (hereinafter referred to as the SB):

(i) The upper engine to wing mounting brackets for minimum lug bolt hole-to-edge distance (0.2625 inches), elongation of the bolt holes, distortion, delamination, cracks, flaking and corrosion.

(ii) The bolts for correct bearing length.

(iii) Loose and fretted bushings.

(2) Prior to further flight, correct defects in accordance with the following:

(i) If lug bolt hole-to-edge distance is less than the specified minimum, correct as prescribed in paragraph 3 of the "Rectification/Modification" section of the SB.

(ii) If the bolt holes are elongated, or if any bushings are loose or fretted:

(A) On Islander Series airplanes, modify and correct as described in paragraph 2 of the "Rectification/Modification" section of the SB.

(B) On Trislander Series airplanes, modify and correct as described in paragraph 4 of the "Rectification/Modification" section of the SB.

(iii) If any mounting bracket is cracked, modify both brackets on the same engine installation (left side engine or right side engine) concurrently (even if only one bracket is defective) as described in paragraph 1 of the "Rectification/Modification" section of the SB.

(iv) If any lug is distorted or delaminated, replace the deficient parts in accordance with paragraphs 1 and 2 of the "Rectification/Modification" section of the SB.

(v) If any inspected part is corroded or flaking, replace in accordance with paragraph

1 of the "Rectification/Modification" section of the SB.

(vi) If any of the bolts are of incorrect length or damaged, replace with new units of the correct length.

(b) The repetitive inspection interval for the Islander airplanes only, may be increased to 1,000 hours time-in-service when all four engine mounting brackets have been rectified to Pilatus Britten-Norman Modification NB/M/1147 in accordance with the "Rectification/Modifications" section of the SB.

(c) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(d) Aircraft may be flown in accordance with FAR 21.197 to a location where this Airworthiness Directive (AD) can be accomplished.

(e) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This AD supersedes AD No. 83-07-18, Amendment 39-4620.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and § 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

Issued in Kansas City, Missouri, on July 25, 1984.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 84-21204 Filed 8-9-84; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[00000/P352; PH-FRL 2630-7]

Ethylene Dibromide; Proposed Revocation of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Revocation of Tolerances.

SUMMARY: This notice proposes the revocation of the tolerances in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on beans (string), bitter melons (Mormodica charantia), cantaloupes, Cavendish bananas, cucumbers, guavas, litchi fruit, litchi nuts, longan fruit, peppers (bell), pineapples, and zucchini squash that have been fumigated after harvest with the insecticide ethylene dibromide (EDB) in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture, and for residues of total combined bromine (which includes bromine from both inorganic and organic compounds) in or on cherries and plums (fresh prunes) that have been fumigated with EDB in accordance with the above USDA programs or to meet State quarantine requirements. The comment period on this action has been expedited pursuant to Article 2.6.1, related to notification of urgent problems of health, safety, and environmental protection, under the Agreement on Technical Barriers to Trade (Standards Code).

DATE: Written comments must be identified by the document control number [00000/P352] and received on or before September 10, 1984.

ADDRESS:

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

In person, bring comments to: Rm. 236, Crystal Mall #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. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Richard Johnson, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 711, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-7420).

SUPPLEMENTARY INFORMATION: On September 28, 1983, EPA issued a notice, published in the **Federal Register** of October 11, 1983 (48 FR 46234), of intent to cancel registrations of EDB for the quarantine fumigation of fruits and vegetables, as well as the other major uses of EDB. This action was based on a determination that the carcinogenic, mutagenic, and adverse reproductive risks posed by the use of EDB outweighed the benefits associated with the use of the chemical as a pesticide. In accordance with the terms of the notice of intent to cancel, the cancellation becomes effective for the fruits and vegetables enumerated in this Notice on September 1, 1984.

The detailed risk and benefit analyses which provide the basis for this regulatory action are contained in a Position Document 4 (PD 4), which is available from the Agency at the address given above. Requests for an adjudicatory hearing to challenge the proposed cancellation of the major uses of EDB have been filed by registrants and user groups. No requests were received to challenge the cancellation of the use of EDB for the quarantine fumigation of the fruits and vegetables enumerated in this Notice.

Tolerances of 10 ppm are currently established in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on beans (string), bitter melons (Mormodica charantia), cantaloupes, Cavendish bananas, cucumbers, guavas, litchi fruit, litchi nuts, longan fruit, peppers (bell), pineapples, and zucchini squash that have been fumigated after harvest with the insecticide EDB in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture (USDA).

Tolerances of 25 parts per million are currently established in 40 CFR 180.146 for residues of total combined bromine (which includes bromine from both inorganic and organic compounds) in or on cherries, and plums (fresh prunes), resulting from fumigation after harvest with EDB in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the USDA, or to meet the State quarantine requirements.

Based on consultations with USDA, the Agency does not believe that significant quantities of the above listed commodities are currently being treated with EDB for fruit fly disinfestation under the USDA programs.

Based on the considerations set forth above, the Agency is hereby proposing the revocation of the tolerances in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on beans (string), bitter melons (Mormodica charantia), cantaloupes, Cavendish bananas, cucumbers, guavas, litchi fruit, litchi nuts, longan fruit, peppers (bell), pineapples, and zucchini squash that

have been fumigated after harvest with EDB in accordance with the USDA programs enumerated above and for residues of total combined bromine (which includes bromine from both inorganic and organic compounds) in or on cherries and plums (fresh prunes) that have been fumigated in accordance with the above USDA programs or to meet state quarantine requirements.

In a recent action, the Agency issued a final rule revoking the tolerances formerly listed in 40 CFR 180.146 for residues of inorganic bromides in or on citrus fruits and papayas resulting from the quarantine use of EDB. (49 FR 22082, May 25, 1984). On the same day, the Agency issued a final rule establishing tolerances in 40 CFR 180.397 for residues of EDB *per se* in or on citrus fruits and papayas (49 FR 22083); these tolerances will expire on September 1, 1984, by which date the domestic use of EDB on these commodities for U.S. consumption is expected to cease.

The Agency has also issued a final rule revoking the inorganic bromide tolerances formerly listed in the first paragraph of 40 CFR 180.146 in or on various grains fumigated after harvest with EDB (49 FR 17147, April 23, 1984). A tolerance of 900 ppb for residues of EDB *per se* on these grains was established on April 23, 1984 (49 FR 17145).

Elsewhere in this issue of the **Federal Register** the Agency has proposed to (1) revoke the inorganic bromide tolerance for mangoes [00000/P353] and (2) establish a .03 ppm (30 ppb) tolerance for residues of EDB *per se* in or on mangoes, effective until September 1, 1985 [00000/P354].

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, which contains EDB may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal to revoke the inorganic bromide tolerances in or on beans (string), bitter melons (Mormodica charantia), cantaloupes, Cavendish bananas, cucumbers, guavas, litchi fruit, litchi nuts, longan fruit, peppers (bell), pineapples, and zucchini squash that have been fumigated after harvest with EDB in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture, and for residues of total combined bromine (which includes bromine from both inorganic and organic compounds) in or on cherries and plums (fresh prunes) that have been fumigated after harvest with EDB in accordance with the above USDA programs or to meet state quarantine requirements be referred to an advisory committee in accordance with section 408e of the Federal Food, Drug, and Cosmetic Act. Requests must bear the notation indicating the document control number [00000/P352] and must be submitted to the mailing address provided above.

Interested persons are invited to submit written comments on this proposal. Comments must bear the notation indicating the document control number [00000/P352]. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in reviewing the comments. All written comments filed pursuant to this Notice will be available for public inspection in the Program Management and Support Division at the above address between 8 am to 4 pm, Monday through Friday, except legal holidays.

This document has been sent to the Office of Management and Budget for review as required by section 3 of Executive Order 12291.

In order to satisfy requirements for analysis as specified by Executive Order 12291, the Regulatory Flexibility Act and the Paperwork Reduction Act, the Agency has analyzed the costs and benefits of the revocation of the tolerances in 40 CFR 180.146 for bromide residues in or on the fruits and vegetables enumerated in this Notice. Based on available information, the Agency has determined that EDB is not currently in use for fumigation of significant quantities of these commodities. Therefore, the Agency has concluded that the revocation of the tolerances for bromide residues resulting from post-harvest fumigation of these commodities will not have a significant, if any, effect on the prices or production levels of the above enumerated commodities.

This rulemaking has also been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96–354; 94 Stat. 1164, 5 U.S.C. 601 *et seq.*) and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. This conclusion is based on the analysis cited above.

Accordingly, I certify that this proposed regulation does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

Paperwork Reduction Act

This proposed rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980. 44 U.S.C. 3501 *et seq.* (Section 408(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(h)).

List of Subjects in 40 CFR Part 180

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

Dated: August 2, 1984.

Alvin L. Alm,

Acting Administrator.

PART 180—[AMENDED]

§ 180.146 [Removed]

Therefore, it is proposed that 40 CFR 180.146 be removed.

[FR Doc. 84–21252 Filed 8–9–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 180

[00000/P353; PH–FRL 2630–8]

Ethylene Dibromide; Proposed Revocation of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Revocation of Tolerance.

SUMMARY: This notice proposes the revocation of the tolerance in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on mangoes that have been fumigated after harvest with the insecticide ethylene dibromide (EDB) in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture. A notice published elsewhere in this issue of the **Federal Register** proposes the establishment of a tolerance of .03 ppm (30 ppb) for mangoes based on a measurement of EDB *per se*, with an expiration date of September 1, 1985. The comment period on this action has been expedited pursuant to Article 2.6.1, related to notification of urgent problems of health, safety, and environmental protection, under the Agreement on Technical Barriers to Trade (Standards Code).

DATE: Written comments must be identified by the document control number [00000/P353] and received on or before September 10, 1984.

ADDRESS: By mail, submit written 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, Crystal Mall #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. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Richard Johnson, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 711, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–7420).

SUPPLEMENTARY INFORMATION: On September 28, 1983, EPA issued a notice, published in the **Federal Register** of October 11, 1983 (48 FR 46234), of intent to cancel registrations of EDB for the quarantine fumigation of mangoes as well as the other major uses of EDB. This action was based on a determination that the carcinogenic, mutagenic, and adverse reproductive risks posed by the use of EDB outweighed the benefits associated with the use of the chemical as a pesticide. In accordance with the terms of the notice of intent to cancel, the cancellation becomes effective for mangoes on September 1, 1984.

The detailed risk and benefit analyses which provide the basis for this regulatory action are contained in a Position Document 4 (PD 4), which is available from the Agency at the address given above. Requests for an adjudicatory hearing to challenge the proposed cancellation of the major uses of EDB have been filed by registrants and user groups. No requests were received to challenge the cancellation of the use of EDB for the quarantine fumigation of mangoes.

A tolerance of 10 ppm is currently established in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on mangoes that have been fumigated after harvest with the insecticide EDB in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture (USDA).

Based on consultations with USDA, the Agency believes that current use of EDB on domestically grown mangoes is virtually nonexistent. To our knowledge, mangoes grown in the U.S. (with the possible exception of Puerto Rico) have not generally been fumigated in the past. EDB is used, however, at fumigation centers in the U.S. for the fumigation of imported mangoes prior to U.S. distribution. As of September 1, 1984, all domestic use of EDB on mangoes (including use at U.S. fumigation centers) will be banned pursuant to the Agency's September 1983 cancellation notice.

Based on the considerations set forth above, the Agency is hereby proposing the revocation of the tolerance in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on mangoes. In a notice published elsewhere in this issue of the **Federal Register**, the Agency is proposing the establishment of a tolerance of .03 ppm (30 ppb) for mangoes based on a measurement of EDB *per se*, with an expiration date of September 1, 1985.

In a recent action, the Agency issued a final rule revoking the tolerances formerly listed in 40 CFR 180.146 for residues of inorganic bromides in or on citrus fruits and papayas resulting from the quarantine use of EDB. (49 FR 22082, May 25, 1984). On the same day, the Agency issued a final rule establishing tolerances in 40 CFR 180.397 for residues of EDB *per se* in or on citrus fruits and papayas (49 FR 22083); these tolerances will expire on September 1, 1984, by which date the domestic use of EDB on these commodities for U.S. consumption is expected to cease. The Agency also recently issued a final rule revoking the inorganic bromide tolerances formerly listed in the first paragraph of 40 CFR 180.146 in or on various grains fumigated after harvest with EDB (49 FR 17147, April 23, 1984). A tolerance of 900 ppb for residues of EDB *per se* on these grains was established in 40 CFR 180.397(b) on April 23, 1984 (49 FR 17145).

Finally, elsewhere in this issue of the **Federal Register**, the Agency is proposing to revoke the remaining tolerances in 40 CFR 180.146 for residues of inorganic bromides in or on certain fruits and vegetables.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, which contains EDB may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal to revoke the inorganic bromide tolerances in or on mangoes that have been fumigated after harvest with EDB in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture be referred to an advisory committee in accordance with section 408e of the Federal Food, Drug, and Cosmetic Act. Requests must bear the notation indicating the document control number [00000/P353] and must be submitted to the mailing address provided above.

Interested persons are invited to submit written comments on this proposal. Comments must bear the notation indicating the document control number [00000/P353]. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in reviewing the comments. All written comments filed pursuant to this Notice will be available for public inspection in the Program Management and Support Division at the above address between 8 a.m. and 4 p.m., Monday through Friday, except legal holidays.

This document has been sent to the Office of Management and Budget for review as required by section 3 of Executive Order 12291.

In order to satisfy requirements for analysis as specified by Executive Order 12291, the Regulatory Flexibility Act and the Paperwork Reductions Act, the Agency has analyzed the costs and benefits of the revocation of the tolerance in 40 CFR 180.146 for inorganic bromide residues in or on mangoes. The Agency has concluded that the revocation of the tolerance for inorganic bromide residues resulting from post-harvest fumigation of mangoes will not have a significant, if any, effect on the prices or production levels of mangoes for the following reasons.

Historically, the use of EDB on domestically grown mangoes has been virtually non-existent. The establishment of an interim .03 ppm (30 ppb) tolerance, effective until September 1, 1985, will allow time for the development of alternative treatments for imported mangoes. The total value of imported mangoes is roughly $21 million for an estimated 40 thousand metric tons. The major exporter is Mexico which accounts for over 80 percent of the market. A number of smaller countries in the Caribbean and South

America also produce mangoes. Some of these countries do not fumigate their own fruit but ship the fruit to the United States where it is fumigated at fumigation centers.

The Agency has been informed by the Mexican government that Mexico can meet a 30 ppb standard, although there are no data to substantiate this conclusion. It is expected that some of the Caribbean and South American countries may not be able to meet a 30 ppb tolerance level. It is possible, however, that during the interim year several Caribbean countries may become certified as fruit-fly free and thus no longer may need to use any chemical fumigants. USDA is reviewing its current quarantine designations and expects to complete this review within the next six months to a year.

This rulemaking has also been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96–354; 94 Stat. 1164, 5 U.S.C. 601 *et seq.*) and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. This conclusion is based on the analysis cited above.

Accordingly, I certify that this proposed regulation does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

Paperwork Reduction Act

This proposed rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980. 44 U.S.C. 3501 *et seq.* (Section 408(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)).

List of Subjects in 40 CFR Part 180

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

Dated: August 2, 1984.

Alvin L. Alm,

Acting Administrator.

PART 180—[AMENDED]

§ 180.146 [Amended]

Therefore, it is proposed that 40 CFR 180.146 be amended by removing "mangoes" from the list of commodities in the first paragraph under the 10 ppm listing.

[FR Doc. 84–21253 Filed 8–9–84; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[00000/P354; PH-FRL 2630–6]

Ethylene Dibromide; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of ethylene dibromide (EDB) *per se* of .03 ppm (30 ppb) in or on mangoes that have been fumigated after harvest with the insecticide ethylene dibromide (EDB) in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture, effective until September 1, 1985. The comment period on this action has been expedited pursuant to Article 2.6.1, related to notification of urgent problems of health, safety, and environmental protection, under the Agreement on Technical Barriers to Trade (Standards Code).

DATE: Written comments must be identified by the document control number [00000/P354] and received on or before September 10, 1984.

ADDRESS: By mail, submit written 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, Crystal Mall #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 procedure set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

Office location and telephone number: Rm. 711, Crystal Mall #2, 1921 Jeferson Davis Highway, Arlington, VA (703–557–7420).

SUPPLEMENTARY INFORMATION: On September 28, 1983, EPA issued a notice, published in the **Federal Register** of October 11, 1983 (48 FR 46234), of intent to cancel registrations of EDB for quarantine fumigation of mangoes, as well as the other major uses of EDB. This action was based on a determination that the carcinogenic, mutagenic, and adverse reproductive risks posed by the use of EDB outweighed the benefits associated with the use of the chemical as a pesticide. In accordance with the terms of the notice of intent to cancel, the cancellation becomes effective for mangoes on September 1, 1984.

The detailed risk and benefit analyses which provide the basis for this regulatory action are contained in Position Document 4 (PD 4), which is available from the Agency at the address given above. Requests for an adjudicatory hearing to challenge the proposed cancellation of the major uses of EDB have been filed by registrants and user groups. No requests were received to challenge the cancellation of the use of EDB for the quarantine fumigation of mangoes.

A tolerance of 10 ppm is currently established in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on mangoes that have been fumigated after harvest with EDB in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture. At the time these tolerances were established, residues of EDB *per se* were not expected to occur in or on these treated commodities based on the then available analytical methodology. The residue of concern was inorganic bromide, the breakdown product of EDB. Currently available analytical methods are now capable of detecting EDB *per se* down to a limit of detection of 1 part per billion (ppb). The Agency has concluded that residues of EDB *per se* pose a concern because of the potential for EDB to cause oncogenic, mutagenic, and adverse reproductive effects.

Based on consultations with USDA, the Agency believes that current use of EDB on domestically grown mangoes is virtually nonexistent. To our knowledge, mangoes grown in the U.S. (with the possible exception of Puerto Rico) have not generally been fumigated in the past. EDB is used, however, at fumigation centers in the U.S. for the fumigation of

imported mangoes prior to U.S. distribution. As of September 1, 1984, all domestic use of EDB on mangoes (including use at U.S. fumigation centers) will be banned pursuant to the Agency's September 1983 cancellation notice.

The major source of imported mangoes is Mexico which accounts for over 80 percent of the market, with the majority of the remainder coming from countries in the Caribbean and South America. A number of the smaller Caribbean and South American countries do not fumigate their own fruit but ship the fruit to the United States for fumigation. Such fumigation will cease on September 1, 1984, pursuant to the EDB cancellation notice. The Agency has been informed by the Mexican government that Mexico can meet the 30 ppb standard. It is expected, however, that some importing countries may not be able to meet the 30 ppb tolerance level. However, there is a possibility that during the interim year several Caribbean countries may become certified as fruit fly free and thus no longer may need to use any chemical fumigant.

Based on an assumption that a mango eater eats no more than twelve mangoes a year, the one year cancer risk associated with a 30 ppb level of EDB on mangoes is on the order of one in a million. Although some individuals probably consume more than twelve mangoes a year, it is unlikely that consumption of imported mangoes would be so high as to change the order of magnitude of the risk.

Based on the considerations set forth above, the Agency is hereby proposing the establishment of a tolerance in 40 CFR 180.397 of .03 ppm (30 ppb) for residues of ethylene dibromide *per se* in or on mangoes resulting from post-harvest fumigation with EDB in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture. The Agency is also proposing that this tolerance for mangoes expire on September 1, 1985. Subsequent to September 1, 1985, the absence of a tolerance for residues of EDB *per se* in or on mangoes would render any such commodities containing detectable levels of EDB *per se* adulterated under the Federal Food, Drug, and Cosmetic Act.

Elsewhere in this issue of the **Federal Register** the Agency is proposing to revoke the tolerance in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on mangoes.

In a recent action, the Agency issue a final rule revoking the tolerances formerly listed in 40 CFR 180.146 for residues of inorganic bromide in or on citrus fruits and papayas resulting from the quarantine use of EDB. (49 FR 22082, May 25, 1984). On the same day, the Agency issued a final rule establishing tolerances in 40 CFR 180.397 for residues of EDB *per se* in or on citrus fruits and papayas (49 FR 22083); these tolerances will expire on September 1, 1984, by which date the domestic use of EDB on these commodities for U.S. consumption is expected to cease.

The Agency has also issued a final rule revoking the inorganic bromide tolerances formerly listed in the first paragraph of 40 CFR 180.146 in or on various grains fumigated after harvest with EDB (49 FR 17147, April 23, 1984). A tolerance of 900 ppb for residues of EDB *per se* on these grains was established on April 23, 1984 (49 FR 17145).

Finally, elsewhere in this issue of the **Federal Register** the Agency has issued a proposal to revoke the tolerances in 40 CFR 180.146 for residues of inorganic bromides in or on the remaining fruits and vegetables listed in the first paragraph of the regulation.

The nature of the residues is adequately understood. An adequate analytical method, using a gas chromatograph equipped with an election detector capable of measuring residue levels of EDB *per se*, is available for enforcement purposes.

As discussed above, the Agency has issued a Notice of Intent to Cancel the registrations of products registered for the post-harvest quarantine use of EDB. An extensive risk-benefit analysis of the use of EDB as a post-harvest quarantine fumigant was provided in the EDB Position Document (PD 4) supporting the decision announced in the **Federal Register** of October 11, 1983. Based on the above information considered by the Agency, the tolerances established by amending 40 CFR § 180.397 would protect the public health. Therefore, it is proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, which contains EDB may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal to establish tolerances for EDB *per se* in or on mangoes be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act. Requests must bear the notation indicating the document control number and must be submitted to the mailing address provided above.

Interested persons are invited to submit written comments on the proposed regulation to establish tolerances for EDB *per se* in or on mangoes. Comments must bear a notation indicating the document control number. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in reviewing the comments. All written comments filed pursuant to this notice will be available for public inspection in the Program Management and Support Division at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

This document has been sent to the Office of Management and Budget for review under Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Paperwork Reduction Act

This proposed rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980. 44 U.S.C. 3501 *et seq.* (Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e))).

List of Subjects in 40 CFR Part 180

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

Dated: August 2, 1984.

Alvin L. Alm,

Acting Administrator.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.397 be amended by revising paragraph (c) to read as follows:

§ 180.397 Ethylene dibromide; tolerances for residues.

* * * * *

(c) Tolerances are established for residues of ethylene dibromide *per se* in or on the following raw agricultural commodities resulting from use of ethylene dibromide as a fumigant after harvest in accordance with the Mediterranean Fruit Fly Control

Program or the Quarantine Program of the U.S. Department of Agriculture.

Commodities	Parts per million	Expiration date
Citrus Fruits	0.25 ppm (of which no more than .03 ppm is present in the edible pulp.	Sept. 1, 1984.
Mangoes	.03 ppm	Sept. 1, 1985.
Papayas	.25 ppm (of which no more than .03 ppm is present in the edible pulp.	Sept. 1, 1984.

[FR Doc. 84-21254 Filed 8-9-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172, 173, and 174

[Docket No. HM-180 Notice No. 84-6]

Placarding of Empty Tank Cars

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Department's Hazardous Materials Regulation (HMR) to eliminate the requirement to display EMPTY placards on tank cars containing residues of hazardous materials. Under the present regulations, each tank car that has been emptied, except for a residue, of a hazardous material (other than a combustible liquid) must be placarded with an EMPTY placard. Placards are displayed to communicate a warning to those handling a tank car, and to emergency response personnel, of the potential hazard of its contents. Some emergency response personnel have expressed concern that the EMPTY placard communicates an erroneous message. This results from the fact that the tank car contains some quantity (probably less than three percent) of the hazardous material the tank car contained before being "emptied". Since the use of placards is to identify and communicate the presence of potential hazards and the EMPTY placard can communicate confusing or erroneous information, MTB is proposing to eliminate the "empty" placarding requirement specified in the HMR. This in effect would prohibit the use of the EMPTY placard, since only a placard authorized by the HMR may be displayed under § 172.502.

DATE: Comments must be received on or before November 8, 1984.

ADDRESSES: Comments to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. It is requested that the docket number be identified and that five copies be submitted. Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street SW., Washington, DC Public Dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except holidays. Persons wishing to receive confirmation of receipt of their comments should included a self addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: Lee E. Metcalfe, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washinton, DC 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION: Prior to November 1927, the hazardous materials regulations required that when lading was removed from tank cars, placards be removed. The Interstate Commerce Commission issued an order in Docket 3666 on August 1, 1927, authorizing after November 1, 1927, on a voluntary basis, use of the "DANGEROUS-EMPTY" placard. It was a requirement at that time that each loaded tank car containing an "Inflammable" (liquid), a "Corrosive Liquid", "Compressed Gas, or "Poisonous" (liquid) had to have displayed on each end and each side the appropriate placard. Upon removal of the tank car contents (except residue) these placards had to be removed. The "DANGEROUS-EMPTY" placard as a voluntary display continued in use from November 1, 1927, to July 14, 1959 (Order 39, 24 FR 5641), when the "DANGEROUS-EMPTY FLAMMABLE POISON GAS" placard was made mandatory for tank cars containing residual Flammable Poison Gas. In July 1962 (Order 55, Docket 3666, July 6, 1962) a "POISON GAS-EMPTY" placard was established and display was required on each tank car containing the residue of a Poison Gas. Otherwise, the use of "DANGEROUS-EMPTY" placards on tank cars remained voluntary until July 1, 1977, the effective date of new placarding requirements under Docket HM-103 (41 FR 16131, April 15, 1976).

Rulemaking under Docket No. HM-103 (41 FR 15972) established requirements for placarding each transport vehicle and freight container with placards generally resembling the United Nation's hazard warning labels for dangerous goods in transportation. EMPTY placard requirements were established for tank cars, but different requirements were established for cargo tanks. The placards on a cargo tank motor vehicle must remain when it is empty unless it has been cleaned and purged of hazardous residue and vapor. Since 1976, comments have been received from emergency response personnel about the confusion caused by the two placarding systems for an "empty" cargo tank and an "empty" tank car. Also, comments have been received from rail carrier personnel about missing or lost tank car placards. Tank car placards generally are made of tagboard with the EMPTY display being printed on the reverse side of the hazard warning placard. These tagboard placards are loosely held in placard holders and may blow out or be removed. They must be replaced at an additional expense by carriers.

In June 1981, the International Association of Fire Chiefs (IAFC) petitioned for a rule change which was quoted by the MTB in an Advance Notice of Rulemaking, Docket No. HM-180 (46 FR 37953, July 23, 1981). The IAFC petition stressed the difference between the placarding requirements for "empty" cargo tanks and tank cars, and stated that use of the EMPTY placards on tank cars is "misleading and dangerous." Further, IAFC stated that cargo tanks and tank cars should be placarded in a consistent manner, that is, both should remain placarded when emptied unless cleaned and purged of all residue and vapor or reloaded with another material.

Most of the 52 comments received on the advance notice were from representatives of emergency services and industry. One was received from the Association of American Railroads and three were from rail carriers. Five were from city, state and federal agencies concerned with safe transportation of hazardous materials.

Approximately one-third of the comments from industry favored the retention of the EMPTY placard, stating that it is beneficial to emergency response personnel. Others believe the EMPTY placard is beneficial to the rail carriers in car placement activities. The majority of the rail carrier comments were in favor of retaining the EMPTY placard for car placement reasons. One large rail carrier, however, presented an opposing position indicating that computer generated instructions provide for the makeup of a train beginning with the initial loaded switch from the shipper at origin through the spotting for unloading at destination and the return of the empty tank car. Therefore, car placement and train makeup is not dependent upon the determination of the empty or loaded status of rail cars from the placards.

One industry commenter stated that in the course of business they receive "empty" tank cars and return "empty" tank cars between company facilities. This commenter supported the IAFC petition in that the EMPTY placard gave an erroneous message. They recommended, as a replacement, the hazard placard for the material with the word "RESIDUAL" in the lower triangle of the placard. This would continue the use of a display panel with the hazard warning placard on one side but with RESIDUAL on the reverse side. This commenter also suggested the shipping paper notation be changed from "EMPTY" and "EMPTY LAST CONTAINED:" to "RESIDUAL." MTB believes this recommendation to change the shipping papers description has merit.

Another chemical manufacturer recommended:

[T]hat all references to the "EMPTY" placard for rail car be removed and the regulations be worded such that rail cars, containing residue or vapor of a hazardous material, must remain placarded with the proper placard required when the car was loaded. Cars containing non-hazardous materials or cars which have been cleaned of residue and purged of vapor would not be placarded, thereby precisely determining whether a hazard exists. For a placarded car, the shipping paper could be a reliable indicator of whether the rail car was loaded or empty.

It has been our experience that there has always been confusion and potential for error in the use of the "EMPTY" placards. When empty cars return to our plants, we notice that the cars come back in one of four ways; (1) correctly placarded with the "EMPTY" placard, (2) still placarded as in the loaded movement, (3) a combination of loaded and "EMPTY" placards, or (4) with one or all placards missing. As can be seen, the use of the "EMPTY" placard is a hit-or-miss proposition whereby you depend on the consignee to reverse the loaded placard. We are sorry to say that not all consignees are as conscientious in complying with the regulations as we attempt to be.

One large chemical manufacturer who commented had submitted a petition (P–819) in April 1981, before the date of the publication of the advance notice, recommending that placarded tank cars remain placarded unless reloaded with another material or cleaned and purged of hazardous material. This petition contained the following as justification for the requested rule change:

Requiring tank cars containing a residue of a hazardous material to be placarded in the same manner as when they contained a greater amount of the material will fully alert those handling the car of potential dangers. Other empty bulk containers (cargo tanks and portable tanks) are handled this way, and we are not aware that this has been a problem to anyone. Further, requiring the same placard for empty and full cars will encourage permanent placarding for those cars in dedicated service; our experience with non-permanent placards indicates they are frequently lost in transit. Anticipating that many (most) shippers will be displaying the DOT's identification number on placards, it is more important than ever that the correct placards be put on the car and that they stay there.

Elimination of the empty placard will simplify the regulations and reduce their burden by:

- Reducing the number (and cost) of placards kept in inventory (i.e., one style placard will do the job for all bulk containers).
- Eliminating the need for changing or reversing placards after tank cars are unloaded.
- Reducing confusion of whether a tank car is empty and needs to have placards changed or reversed.

MTB also believes that a large chemical manufacturer who ships large quantities of metallic sodium UN1428 has identified a specific deficiency related to the EMPTY FLAMMABLE SOLID W placard. This petitioner stated, in part, the following:

A substantial volume of sodium, metal in tank cars that require the display of a flammable solid W placard. When shipped full the significant water reactive hazard of this commodity is noted on the placard; however, when the placard is reversed showing the word "empty" instead of the symbol "W", this critical hazard is not adequately identified to emergency personnel. The heel in an empty sodium, metal tank car constitutes like hazard as when full; it is extremely dangerous when exposed to minute quantities of water.

Nearly half of the commenters, and this included the vast majority of the comments from emergency services, recommended the removal of the EMPTY placard and the use of the same placard for a loaded and an "emptied" tank car. These commenters generally expressed the belief that the basic placard would provide adequate warning for initial emergency response action. Follow-on actions could be determined from the complete identification of the contents of involved tank car by checking the shipping papers. Further and more detailed actions could be planned from information provided on a consist and from outside sources after specific tank cars had been identified.

MTB believes display of EMPTY placards on tank cars containing hazardous materials is not appropriate for communicating risk and that safety would be enhanced if the placarding system does not differentiate between loaded tank cars and those containing a residue of a hazardous material. Placement of tank cars of hazardous materials, whether loaded or containing a residue, could be accomplished and verified through documentation.

A cost comparison with the present placarding system revealed that using reuseable vinyl placards and leaving tank cars placarded as when filled, unless their service is changed or they are cleaned and purged, would result in average annual savings of approximately $1.4 million in placarding costs.

Proposed Rule Changes

Paragraph (e) of § 172.203 would be revised to change the shipping paper entry for empty packagings and empty portable tanks, cargo tanks, tank cars and multi-unit tank car tanks that contain the residue of a hazardous material to include in the description the word RESIDUAL instead of the word EMPTY.

Footnote 4 to Table 2 in § 172.504 would be revised to eliminate reference to the EMPTY placard. The second sentence of Footnote 4 prohibits display of the EMPTY COMBUSTIBLE placard. This prohibition would not be needed if the EMPTY placard is eliminated.

Paragraphs (a) and (c) of § 172.510 would be revised to eliminate references to the EMPTY placard. The amended paragraph (c), in addition, would prescribe requirements for assuring that an emptied tank car containing the residue of a hazardous material is properly placarded as when it was loaded.

Section 172.525 and its accompanying paragraph (c)(10) in Appendix B to Part 172 which contain the specifications for the EMPTY placards would be removed.

Paragraph (a)(3) of § 173.190 prescribes EMPTY FLAMMABLE SOLID placarding requirements for tank cars containing Phosphorus, white or yellow residue. The proposed change to eliminate the EMPTY placard would eliminate the need for this requirement in this section because the placarding requirements for Phosphorus are based on its hazard class and are given in § 172.504 and § 173.25. Therefore, MTB proposes to remove this placarding requirement from § 173.190(a)(3) since each empty tank car containing a hazardous material residue would retain its placards under this proposed rule change.

The final entry in the placarding notation table in § 174.25 which applies to empty tank cars would be revised to remove the exception pertaining to any tank car that had contained a combustible liquid. Also, § 174.25 would

be revised to remove the exception pertaining to tank cars that had contained combustible liquids and to change the shipping paper description for emptied tank cars that contain the residue of hazardous materials from "EMPTY" to "RESIDUAL" to better indicate the hazard.

Paragraph (e) of § 174.50 would be revised to remove the term "empty" and reword the requirement for clarity to indicate that no open-flame light may be brought near any leaking placarded tank car.

Sections 174.69 would be revised to remove the requirements for removing, replacing or reversing placards on empty tank cars. Also, a requirement would be added making the person who is responsible for removing the lading from a tank car responsible for assuring it is properly placarded before it is offered for transportation, if it contains the residue of a hazardous material.

Sections 174.87, 174.89, 174.90, 174.91, 174.92, and 174.93 concerning the placement of placarded empty tank cars have been reviewed. MTB does not believe that the proposed changes to the tank car placarding requirements would adversely affect the car placement requirements.

Classification of Rule; Reporting Requirements; and Impact on Small Entities

a. Non-Major Rule

MTB has determined that this document will not result in a major rule under terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), or require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*). This determination is made on the basis that a final rule consistent with this proposal: (1) Will have an annual effect on the economy that will not exceed $100 million; (2) will cause no major increase in costs or prices for consumers, individual industries, Federal, State, or local governmental agencies, or geographic regions; (3) will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets, and (4) it is not anticipated to have a significant environmental impact. A regulatory analysis is available for review in the docket.

b. Paperwork Reduction Act

There are no new information collection requirements in this proposed rulemaking.

c. Impact on Small Entities

Based on the limited information available concerning size and nature of entities likely to be affected, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities. This determination is based on the fact that the estimated cost of implementation would be relatively insignificant.

List of Subjects

49 CFR Part 172

Hazardous materials transportation, Documentation, Labeling and marking of packages.

49 CFR Part 173

Hazardous materials transportation, Packaging.

49 CFR Part 174

Hazardous materials transportation, Rail safety.

In consideration of the foregoing, 49 CFR Parts 172, 173 and 174 would be amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HARZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.203 paragraph (e) would be revised to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(e) *Empty packagings.* (1) Except for a tank car, or any packaging that still contains a hazardous substance, the description on the shipping paper for an empty packaging containing the residue of a hazardous material may include the word(s) "RESIDUAL * * *" or "RESIDUE: Last contained * * *" as appropriate in association with the basic description of the hazardous material last contained in the packaging.

(2) For empty tank cars, see § 174.25(c), of this subchapter.

(3) If a packaging, including a tank car, contains a residue that is a hazardous substance, the description on the shipping paper shall be prefaced with the phrase "RESIDUAL" or "RESIDUE: Last contained * * *" and shall have "RQ" entered before or after the basic description.

* * * * *

2. In § 172.504 Footnote 4 to Table 2 would be revised to read as follows:

§ 172.504 General placarding requirements.

* * * * *

Table 2

* * * * *

4 A FLAMMABLE placard may be used on a cargo tank during transportation by highway, rail or water, and on a compartmented tank car containing materials classed as Flammable liquid and Combustible liquid.

* * * * *

3. In § 172.510 paragraphs (a) and (c) would be revised to read as follows:

§ 172.510 Special placarding provisions: Rail.

(a) *Square background required.* Each EXPLOSIVES A placard and POISON GAS placard affixed to a rail car must be placed on a square background as described in § 172.527.

* * * * *

(c) *Empty tank car placarding.* When offered for transportation, each empty tank car containing the residue of a hazardous material must be placarded with the placarding required to be displayed when it contained a greater quantity of hazardous material.

* * * * *

§172.525 [Removed]

4. Section 172.525 would be removed in its entirety.

Appendix B—[Amended]

5. In Appendix B to Part 172 paragraph (c)(10) would be removed and reserved.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGING

6. In § 173.190 the last sentence of paragraph (a)(3) would be revised to read as follows:

§ 173.190 Phosphorus, white or yellow.

(a) * * *

(3) * * * After unloading, the tank car must be filled to its entire capacity with an inert gas or to its entire capacity and to not more than 50 percent of the capacity of its dome with water having a temperature not exceeding 104 °F.

* * * * *

PART 174—CARRIAGE BY RAIL

7. In the Placard Notation Table in § 174.25(a)(2) the last entry would be revised, and paragraph (c) would be revised to read as follows:

§ 174.25 Additional information on waybills, switching orders and other billings.

(a) * * *

(2) * * *

Hazardous material or class	Placard notation	Placard endorsement
*	*	*
Empty tank cars last containing a hazardous material.	See § 174.25(c)....	Dangerous.

* * * * *

(c) For an empty tank car that contains the residue of a hazardous material, the shipping papers must contain the word(s) "RESIDUAL" or "RESIDUE: Last Contained * * *" followed by the basic description of the hazardous material last contained in the tank car and the placard notation (the word "Placarded" followed by the name of the placard). For example, "RESIDUAL: Sulfuric acid, Corrosive material, UN1830, Placarded: CORROSIVE", or "RESIDUE: Last Contained Sulfuric acid, Corrosive material, UN1830, Placarded: CORROSIVE". For an empty tank car that still contains a residue that is a hazardous substance, the letters "RQ" shall be entered on the shipping paper either before or after the basic description.

* * * * *

8. In § 174.50 paragraph (e) would be revised to read as follows:

§ 174.50 Leaking tank cars.

* * * * *

(e) Open-flame lights may not be brought near a leaking placarded tank car.

* * * * *

9. Section 174.69 would be revised to read as follows:

§ 174.69 Removal of placards and car certification after unloading.

When lading requiring placards or car certifications is removed from rail cars other than tank cars, placards and car certifications must be removed by the person unloading the car. For an empty tank car containing the residue of a hazardous material, the person responsible for removing the lading from the tank car must assure it is properly placarded before it is offered for transportation.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(3) of App. A to Part 106)

Issued in Washington, D.C. on August 7, 1984.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-21330 Filed 8-9-84; 8:45 am]

BILLING CODE 4910-60-M

Notices

Federal Register
Vol. 49, No. 156
Friday, August 10, 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.

CIVIL AERONAUTICS BOARD

[Order 84-8-18]

Foreign Freight Forwarder Registration; Multi-Process International (U.S.A.) Corp.

AGENCY: Civil Aeronautics Board.

ACTION: Rejection of Foreign Forwarder Registration; Order 84-8-18.

SUMMARY: The Board having previously established in Orders 82-6-11, 82-9-21, 83-10-73, 83-12-56, and 84-3-44 that there is unsatisfactory Taiwanese reciprocity for U.S. freight forwarders, rejected the foreign freight forwarder registration request of Multi-Process International (U.S.A.) Corp. which is 80 percent owned by a citizen of Taiwan—Order 84-8-18, adopted August 2, 1984.

A copy of the complete order may be otained, by request from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5432. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Dean L. Johnson, (202) 673-5134, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 2, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-21307 Filed 8-9-84; 8:45 am]

BILLING CODE 6320-01-M

[Order 84-8-11]

Application of Universal Airlines, Inc. for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (84-8-11).

SUMMARY: The Board is proposing to find Universial Airlines, Inc. fit, willing, and able and to issue it a certificate of public convenience and necessity under section 401 of the Federal Aviation Act authorizing it to provide interstate/overseas and foreign charter air transportation of property and mail, and an all-cargo certificate under section 418 of the Act and to approve certain sections 408 and 409 relationships.

DATE: All interested persons wishing to respond to the Board's tenative determination and proposed certificate awards shall file, and serve upon all persons listed below no later than August 24, 1984, a statement of their response, together with a summary of testimony, statistical data, and other material expected to be relied upon to support any objections raised.

ADDRESS: Responses should be filed in Dockets 42042, 42043 and 42044 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served upon the parties listed in the Attachment to the order.

FOR FURTHER INFORMATION CONTACT: John F. Brennan, 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 84-8-11 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metorpolitan area may send a postcard request for Order 84-8-11 to that address.

By the Civil Aeronautics Board: August 2, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-21310 Filed 8-9-84; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Week Ended August 3, 1984

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
July 10 1984	42386	Northwest Airlines, Inc., Minneapolis/St. Paul International Airport, St. Paul, Minnesota 55111. Application of Northwest Airlines, Inc., pursuant to section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests renewal of its certificate of public convenience and necessity for Segments 1 and 3a of Route 179, which enable it to engage in foreign air transportation of persons, propery and mail. Those segments are: 1. "Between the coterminal points Seattle, WA; Portland, OR; Los Angeles, CA; Minneapolis/St. Paul, MN; Chicago-Rockford, IL; Detroit, MI; Washington, DC-Baltimore, MD; New York, NY-Newark, NJ and Boston, MA; and the terminal point Glasgow, Scotland." 3.a. "Between the terminal point Minneapolis/St. Paul, MN and the terminal point London, United Kingdom;" Conforming Applications, Motions to Modify and Answers may be filed by August 27, 1984.
Aug. 1, 1984	42300	Time Air (1982) Ltd., c/o William F. Clark, Hamilton, Torrance, Suite 250, 70 University Avenue, Toronto, Ontario M5J 2M4. Amendment No. 1 to the Application of Time Air (1982) Ltd. for a foreign air carrier permit pursuant to Section 402 of the Act, to authorize nonscheduled or charter foreign air transportation between any point or points in Canada and any points in the United States using large aircraft. Answers may be filed by August 29, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-21305 Filed 8-9-84; 8:45 am]

BILLING CODE 6320-01-M

Tampa-Yucatan Service Case; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 22, 1984, at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Ronnie A. Yoder.

Dated at Washington, D.C., August 3, 1984.

Ronnie A. Yoder,

Administrative Law Judge

[FR Doc. 84-21308 Filed 8-9-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 42185]

Jetpass Airlines Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on September 4, 1984, at 9:30 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Ave., NW., Washington, D.C. before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., August 6, 1984.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 84-21039 Filed 8-9-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 42243]

Air Niagara; Continuing Fitness Investigation; Postponement of Hearing

Notice is hereby given that the hearing scheduled in the above-entitled proceeding for August 22, 1984, is rescheduled for September 13, 1984, at 10:00 a.m. (local time), Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., August 3, 1984.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 84-21036 Filed 8-9-84; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Michigan Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m., on September 18, 1984, at the Book Cadillac, 1114 Washington Boulevard, Detroit, Michigan 48226. The purpose of the meeting is to develop program plans for fiscal year 1985.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Midwestern Regional Office at (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 7, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-21220 Filed 8-9-84; 8:45 am]

BILLING CODE 6335-01-M

Ohio Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 6:00 p.m., on September 14 and will end at 3:00 p.m., on September 15, 1984, at the River-view Holiday Inn, 141 Summit Street, Toledo, Ohio 43604. The purposes of the meeting are to hear the Chair's report on the regional conference, discuss the Subcommittee report on the education project, and plan followup activities related to the Ohio prison study.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Midwestern Regional Office at (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 7, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-21219 Filed 8-9-84; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Refined and Blister Copper Industry, Prospects for Adjustment Assistance for Firms

The U.S. Department of Commerce, pursuant to Section 264 of the Trade Act of 1974, has conducted a study of firms in the refined and blister copper industry; such a study is required whenever the U.S. International Trade Commission (USITC) begins an investigation under Section 201 of the Trade Act.

In its report issued July 16, 1984, the USITC determined by a five to zero vote that unwrought, unalloyed copper and blister copper were being imported into the United States in such increased quantities as to threaten serious injury to the domestic industry producing like or directly competitive articles. Two Commissioners recommended the imposition of a five cent per pound duty for a 5 year period. Two Commissioners recommended the imposition of a 425,000 ton quota for 5 years (375,000 tons for unwrought, unalloyed copper and 50,000 tons for blister copper). One Commissioner recommended no relief.

According to Section 202 of the 1974 Trade Act, the President shall determine within 60 days after receiving a report from the USITC containing an affirmative finding, whether to provide import relief and what methods and amounts of import relief will be provided.

In 1983, imports of refined copper were about 507,000 tons, an increase of 125 percent from 1979 levels; during the same period imports of blister copper increased 89 percent from 27,000 tons to 51,000 tons. Industry employment declined 40 percent, mine production declined 28 percent, smelter production declined 29 percent, and refinery production declined 21 percent during the 1979–1983 period.

Under Section 251 of the Trade Act of 1974, a firm may petition the U.S. Department of Commerce to be certified to apply for trade adjustment Assistance; certification requires that increased imports of articles like or directly competitive with those produced by the petitioning firm contributed importantly to: (1) Absolute declines in sales or production, or both, and (2) the separation, or threat of separation, of a significant number or proportion of its workers. A trade-impacted producer may petition the Department for certification at any time regardless of whether a petition has been filed under Section 201.

As of the date of this report, no petitions for certification have been filed by domestic copper producers, and no firms in the industry have been certified. Based on employment, sales, production, and import data obtained by the USITC in its investigation, it appears likely that several firms could be certified as eligible for adjustment assistance. However, the likelihood of these firms receiving assistance is restricted by the availability of funding.

The program of adjustment assistance for firms authorized by the Trade Act under Title II, Chapter 3, and administered by the International Trade Administration (ITA) in the Department of Commerce, may provide either financial assistance or technical assistance, or both. Financial assistance to firms may take the form of direct loans or loan guarantees, or both, and may be used for the acquisition, construction, installation, modernization, expansion, or conversion of fixed assets, or for working capital necessary for a firm to implement its adjustment plan. Technical assistance to firms may be used for the development of economic adjustment proposals, the implementation of such proposals, or both.

Title XXV of the Omnibus Budget Reconciliation Act of 1981 added Section 265 to Chapter 3 of Title II of the Trade Act which provides for technical assistance, on such terms as the Secretary of Commerce deems appropriate, for the establishment of industry-wide programs "for new product development, new process development, export development or other uses consistent with the purposes" of Title II. The technical assistance may be provided through existing agencies or private channels or by grants, contracts, or cooperative arrangements to associations, unions, or other nonprofit industry organizations in which a substantial number of firms have been certified as eligible to apply for adjustment assistance. Expenditures were authorized up to $2,000,000 annually per industry.

Under the Public Works and Economic Development Act of 1965 (PWEDA), as amended direct and indirect assistance to firms is available without Trade Act certification. Firms located in EDA-designated "redevelopment areas" and "economic development centers" can benefit directly from business development loans and guarantees. There is doubt, however, as to EDA's ability to provide loan or guarantee assistance this fiscal year (FY 1984) or thereafter. It may be possible for firms also to benefit indirectly from public works financing. Under PWEDA neither grants, loans nor guarantees can be used to assist industries found to have long-term overcapacity. However, PWEDA does authorize technical assistance to firms regardless of location, and grants of loanable funds to communities with actual or threatened unemployment.

The Farmers Home Administration (FmHA) of the Department of Agriculture has a program which may benefit firms in the industry. Loan guarantees are available to businesses located in areas other than cities with a population over 50,000. This would include most copper operations located in the Western and Southwestern United States. As with EDA business loans, however, these guarantees are not available to firms in industries characterized by long-term overcapacity. FmHA can also make loans to public bodies, such as local governments and development organizations, in areas other than cities of over 20,000 population.

The Small Business Administration (SBA) administers three programs of potential assistance to small businesses; however, no U.S. copper producers would qualify as a "small business" under the SBA definition.

Additional copies of the report, "Prospects for Adjustment Assistance for Firms in the Refined and Blister Copper Industry," are available from Robert Reiley, Office of Metals, Minerals, and Commodities, Room 4065, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–0575.

Dated: August 1, 1984.

David K. Diebold,

Acting Assistant Secretary for Trade Development.

[FR Doc. 84–21278 Filed 8–9–84; 8:45 am]

BILLING CODE 3510–DR–M

[A–412–012]

Antidumping Postponement of Final Determination; Cell Site Transceivers From Japan

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from counsel for respondent that the final determination on cell site transceivers from Japan be postponed to enable the Department to conduct a more compete review of the actual costs incurred in producing the subject merchandise. The Department has determined to postpone its final determination as to whether sales of cell site transceivers from Japan have occurred at less than fair value, until not later than October 19, 1984.

EFFECTIVE DATE: August 10, 1984.

FOR FURTHER INFORMATION CONTACT: Vincent Kane, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–5414.

SUPPLEMENTARY INFORMATION: On January 17, 1984, the Department of Commerce published a notice in the **Federal Register** that it was initiating, under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether cell site transceivers from Japan are being, or are likely to be, sold at less than fair value. On June 12, 1984, the Department published a preliminary affirmative determination (49 FR 24155). The notice stated that if this investigation proceeded normally we would make a final determination by August 20, 1984. Section 735(a)(2)(B) of the Act provides that the Department may postpone its final determination concernig sales at less than fair value if the respondent requests and extension after a preliminary affirmative determination.

Accordingly the Department will issue a final determination in this case not later than October 19, 1984. The hearing

originally scheduled for July 11, 1984 has been postponed. The new hearing date is September 19, 1984, at 10:00 a.m., Room 3708, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication.

Requests should contain: (1) The party's name, address, and telephone number, (2) the number of participants, (3) the reason for attending, and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by September 14, 1984. All written views should be filed in accordance with 19 CFR 353.46, at the above address and in at least 10 copies not later than the date established for the submission of post-hearing briefs which will be announced at the hearing. If no hearing is held, all written views should be submitted not later than September 26, 1984.

This notice is published pursuant to seciton 735(d) of the Act.

Dated: August 3, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-21311 Filed 8-9-84; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will convene its Intercouncil Mackerel Management Committee to consider public comment on amendments to the Coastal Migratory Pelagic Fishery Management Plan and the Environmental Impact Statement. The public meeting will convene at 1 p.m., on August 16, 1984, recess at approximately 5 p.m., reconvene at 8:30 a.m., on August 17, and adjourn at approximately noon. The meeting will be held at the Gateway Airport Inn, 1419 Virginia Avenue, Atlanta, Georgia. For further information, contact the Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609; telephone: 813-228-2815.

Dated: August 6, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-21324 Filed 8-9-84; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Plan Management Team for the Gulf of Alaska will convene a meeting on August 27-30, 1984, to review assessments of the Gulf of Alaska stocks, to determine a preliminary equilibrium yield for 1985, to discuss a proposed plan amendment addressing the Southeast Alaska cul-de-sacs, to discuss management of zero TALFF bycatch species in a foreign groundfish fishery, and current bycatch retention rates. Plan Team meetings are open to the public and may be lengthened or shortened as necessary. The meeting will begin at 9 a.m., on August 27 in Room 438 of the Northwest and Alaska Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard, East, Seattle, WA. For further information contact Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: 907-274-4563.

Dated: August 6, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-21325 Filed 8-9-84; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). The entry contains the following information: (1) Type of submission; (2) title of information collection and form number, if applicable; (3) abstract statement of the need for the uses of information collection; (4) type of respondent; (5) an estimate of the number of responses; (6) an estimate of the total number of hours needed to provide the information; (7) to whom comments regarding the information collection are to be forwarded; (8) the point-of-contact from whom a copy of the information proposal may be obtained.

Extension

Health Insurance Claim Form (CHAMPUS Form 501)

The Health Insurance Claim Form is used to obtain information relative to medical claims, identify beneficiaries and determine eligibility. It is also used to decide if the medical services and supplies received are covered by the CHAMPUS Program. Individuals or households; businesses or other for-profit; non-profit institutions and small businesses or organizations. Responses 510,438; Hours 255,219.

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

A copy of the information collection proposal may be obtained from the Office Services Branch, ATTN: Jane Bomgardner, Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Aurora, Colorado 80045, Telephone (303) 361-3509.

Dated: August 7, 1984.

Darlene C. Scott,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-21235 Filed 8-9-84; 8:45 am]

BILLING CODE 3810-01-M

Corps of Engineers, Department of the Army

Cancellation of Notice of Intent; To Prepare a Draft Supplemental Environmental Impact Statement (DSEIS) for a Proposed Water Storage Contract for the ETSI Coal Slurry Pipeline Project

AGENCY: U.S. Army Corps of Engineers, Omaha District, Defense.

ACTION: Cancellation of Notice of Intent to Prepare a Draft Supplemental Environmental Impact Statement (DSEIS).

SUMMARY: 1. The Omaha District of the U.S. Army Corps of Engineers hereby cancels its Notice of Intent to Prepare a Draft Supplemental Environmental Impact Statement as published in 49 FR, page 30223, July 27, 1984. The DSEIS was to be prepared for a proposed water

storage contract and other actions needed for a coal slurry pipeline from Montana to Texas using Missouri River water from Oahe Reservoir in South Dakota. The State of South Dakota had applied to the Omaha District for the contract, and the coal slurry pipeline project was sponsored by Energy Transportation Systems, Inc. (ETSI).

The Notice is cancelled because the pipeline sponsor, ETSI, has terminated its proposal to construct a coal slurry pipeline from Wyoming and Montana to southern states. In an announcement dated August 1, 1984, the firm cited protracted railroad opposition, which has brought about costly delays in securing necessary permits, rights of way, and other clearances for the project as the reason for termination. The cancellation of the project nullifies any need for environmental review associated with that project.

2. *Meetings Cancelled.* The scoping meetings reported in the previous Notice are also hereby cancelled, and all other planned public involvement efforts which were contingent upon the previously described project are cancelled.

ADDRESS: Questions can be forwarded to Mr. Richard Buse, Chief, Plan Formulation Branch, Planning Division, U.S. Army Corps of Engineers, Omaha District, 6014 U.S. Post Office and Courthouse, Omaha, Nebraska 68102. Phone (402) 221–4472 or FTS 864–4472.

Dated: August 8, 1984.

William R. Andrews, Jr.,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 84–21205 Filed 8–9–84; 8:45 am]

BILLING CODE 3710–62–M

Department of the Navy (Marine Corps) Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Navy (Marine Corps) DOD.

ACTION: Notice of amendments to systems of records.

SUMMARY: The U.S. Marine Corps proposes to amend four systems of records to its inventory of systems of records subject to the Privacy Act of 1974. The specific changes to the notices being amended are set forth below.

DATES: The proposed action will be effective without further notice on September 10, 1984, unless comments are received which would result in a contrary determination.

ADDRESSES: Send any comments to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. B.L. Thompson, Privacy Act Coordinator, Headquarters, U.S. Marine Corps, Washington, D.C. 20380, telephone: (202) 694–1452.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93–579 were published in the **Federal Register** as follows:

FR Doc. 83–6317 (48 FR 10422) March 11, 1983

FR Doc. 83–6992 (48 FR 11312) March 17, 1983

FR Doc. 83–8688 (48 FR 14432) April 4, 1983

FR Doc. 83–12048 (48 FR 25964) June 6, 1984

FR Doc. 83–28621 (48 FR 48701) October 20, 1983

FR Co. 84–9930 (49 FR 14791) April 13, 1984

These changes do not require an altered system report as prescribed in 5 U.S.C. 552a(o).

Darlene C. Scott,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

August 7, 1984.

AMENDMENTS

MAA00001

System name:

Flight Readiness Evaluation Data System (FREDS) (48 FR 25965) June 6, 1983.

Changes:

System location:

Delete the last line in its entirety and substitute the following: "Addresses are in the Directory of the Department of the Navy Mailing Addresses."

Authority for maintenance of the system

Add the following to the paragraph: "; Title 10, U.S. Code 5031"

Add the following paragraph after the *Authority for maintenance of the system:*

"Purpose(s):

To maintain records on all Marine Corps air crewmembers to enable officials and employees of the Marine Corps to administer and manage air crewmember assets."

Routine uses of records maintained in the system including categories of users and the purposes of such uses

Delete the first and second paragraphs and substitute the following:

"The Blanket Routine Uses that appear at the beginning of the Marine Corps compilation apply to this system."

System manager(s) and address

After the phrase "The Commandant of the Marine Corps" add the phrase "Code AA."

Notification procedure

In the last sentence delete the phrase: "* * * Navy Standard Distribution List (OPNAV PO9B3–107)" and add the phrase: "* * * Directory of the Department of the Navy Mailing Addresses."

Record access procedures:

In the second sentence, delete the phrase: "* * * Navy Standard Distribution List" and add the phrase: "* * * Directory of the Department of the Navy Mailing Addresses."

MAA00002

System name:

Marine Corps Aircrew Performance/ Qualification Information (48 FR 25966) June 6, 1983

Changes:

Authority for maintenance of the system:

Add the following to the paragraph: "; Title 10, U.S. Code 5031"

Add the following paragraph after the *Authority for maintenance of the system:*

"Purpose(s):

To maintain records on Marine Corps aeronautically designated personnel for use by officials and employees of the Marine Corps in the administration and management of such personnel."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the first and second paragraphs and substitute the following: "The Blanket Routine Uses that appear at the beginning of the Marine Corps compilation apply to this system."

System manager(s) and address:

After the phrase "The Commandant of the Marine Corps" add the phrase "Code AA."

MFD00001

System name:

Automated Leave and Pay System (ALPS) (48 FR 25967) June 6, 1983

Changes:

Authority for maintenance of the system:

Add the following to the paragraph: "; Title 10, U.S. Code 5031"

Add the following paragraph after the *Authority for maintenance of the system:*

"Purpose(s):

To maintain records required by officials and employees of the Marine Corps who administer and manage all pay and leave matters for civilian employees."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the first and second paragraphs and substitute the following: "The Blanket Routine Uses that appear at the beginning of the Marine Corps compilation apply to this system."

Record access procedures:

In the second line, delete the phrase: "* * * Navy Standard Distribution List (OPNAV P09B3-107)" and add the phrase "* * * Directory of the Department of the Navy Mailing Addresses."

MFD00002

System name:

Primary Management Efforts (PRIME)/Operations Subsystem (48 FR 25968) June 6, 1983

Changes:

Authority for maintenance of the system:

Add the following to the paragraph: "; Title 10, U.S. Code 5031"

Add the following paragraph after the *Authority for maintenance of the system:*

"Purpose(s):

To maintain a record of the work distribution on civilian employees and certain military personnel for use by officials and employees of the Marine Corps in the management of work distribution."

Routine uses of records maintained in the system including categories of users and the purposes of such uses:

Delete the first and second paragraphs and substitute the following: "The Blanket Routine Uses that appear at the beginning of the Marine Corps compilation apply to this system."

System manager(s) and address:

After the phrase "The Commandant of the Marine Corps" and add the phrase "Code FD,"

Record access procedures:

In the second line, delete the phrase: "* * * Navy Standard Distribution List (OPNAV 09B3-107)" and add the phrase "* * * Directory of Department of the Department of the Navy Mailing Addresses."

The revised portions of Systems MAA00001, MAA00002, MFD00001, and MFD00002 read as follows:

MAA00001

SYSTEM NAME:

Flight Readiness Evaluation Data System (FREDS).

SYSTEM LOCATION:

Primary System—The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, D.C. 20380.

Decentralized Segments—Marine Corps organizations having FREDS capability (or requirement for related information). Addresses are in the Directory of the Department of the Navy Mailing Addresses.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S. Code 301; Title 10, U.S. Code 5031.

PURPOSE(S):

To maintain records on all Marine Corps air crewmembers to enable officials and employees of the Marine Corps to administer and manage air crewmember assets.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Marine Corps compilation apply to this system.

The Attorney General of the U.S.—By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts—By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S.—By the Senate or the House of Representative of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S.—By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Code AA, Headquarters, U.S. Marine Corps, Washington, D.C. 20380

NOTIFICATION PROCEDURE:

Information may be obtained from the individual command to which an individual is assigned for duty. Addresses of individual commands are as listed in the Director of the Department of the Navy Mailing Addresses.

RECORDS ACCESS PROCEDURE:

Written requests from individuals should be addressed to the commanding officer officer of the aviation unit to which they are assigned for duty. Addresses are shown in the Director of the Department of the Navy.

Personnel not permanently assigned to an aviation command may request information from the Commandant of the Marine Corps, Code AA, Headquarters, U.S. Marine Corps, Washington, D.C. 20380.

Written requests should include name and social security number.

For personal visits, the individual should be able to provide personal identification, such as valid military identification card, drivers license, etc.

* * * * *

MAA00002

SYSTEM NAME:

Marine Corps Aircrew Performance/ Qualification Information.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S. Code 301; Title 10, U.S. Code 5031.

PURPOSE(S):

To maintain records on Marine Corps aeronautically designated personnel for use by officials and employees of the Marine Corps in the administration and management of such personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Marine Corps compilation apply to this system.

The Attorney General of the U.S.—By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts—By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court

Congress of the U.S.—By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S.—By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Code AA, Headquarters, U.S. Marine Corps, Washington, D.C. 20380

* * * * *

MFD00001

SYSTEM NAME:

Automated Leave and Pay System (ALPS).

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S. Code 301; Title 10, U.S. Code 5031.

PURPOSES(S):

To maintain records required by officials and employees of the Marine Corps who administer and manage all pay and leave matters for civilian employees.

ROUTINE USES OF RECORD MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Marine corps compilation apply to this system.

The Attorney General of the U.S.—By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts—By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S.—By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S.—By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

The Internal Revenue Service—By officials and employees of the Internal Revenue Service in connection with such matters relating to their official duties.

State and local governmental agencies—By officials and employees of State and local governmental agencies in connection with such matters relating to their official duties.

* * * * *

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the commanding officer at which the individual is employed. Addresses of the Marine Corps installations, activities, and organizations are listed in the Directory of the Department of the Navy Mailing Addresses. Written requests should contain full name, social security number or employee badge number, and signature of the individual concerned.

Personal visits may be made to the appropriate installation, activity or organization during the normal work week between the hours of 8:00 AM–4:30 PM. For personal visit, the individual should be able to provide valid personal identification such as employee badge, drivers license, medicare card, etc.

* * * * *

MFD00002

SYSTEM NAME:

Primary Management Efforts (PRIME)/Operations Subsystem.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S. Code 301; Title 10, U.S. Code 5031.

PURPOSE(S):

To maintain a record of the work distribution on civilian employees and certain military personnel for use by officials and employees of the Marine Corps in the management of work distribution.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES;

The Blanket Routine Uses that appear at the beginning of the Marine Corps compilation apply to this system.

The Attorney General of the U.S. —By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts—By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S.—By the Senate or the House of Representative of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S.—By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Code FD, Headquarters, U.S. Marine Corps, Washington, D.C. 20380

* * * * *

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the individual's employing activity. Activity addresses are as shown in the Directory of the Department of the Navy Mailing Addresses.

Written requests should contain the individual's full name, social security number, employee number (if applicable) and signature.

For personal visits, the individual should provide sufficient identification to insure the individual is the subject of the inquiry.

* * * * *

[FR Doc. 84-21236 Filed 8-9-84; 8:45 am]
BILLING CODE 3810-01-M

Department of the Navy

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the

need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of response; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Academic Certification for Marine Officer Candidate Programs
NAVMC 10469

This form is used by the Marine Corps as a standardized method of determining the academic eligibility of applicants for all Reserve Officer Candidate Programs.

Individuals or households, businesses or other for profit; 600; 3,000

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

A copy of the information collection proposal may be obtained from W. L. Conefrey, Headquarters, U.S. Marine Corps, Personnel Procurement Division, Officer Procurement Section, Washington, D.C. 20380, telephone (202) 694–1756.

Dated: August 7, 1984.

Darlene C. Scott,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–21230 Filed 8–9–84; 8:45 am]

BILLING CODE 3810–01–M

Intent To Revise A Draft Environmental Impact Assessment and File an Environmental Impact Statement for the Proposed Operation of the Navy Electromagnetic Pulse Radiation Environment Simulator for Ships (Empress II) in the Chesapeake Bay and Atlantic Ocean

Notice: Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Guidelines (40 CFR Part 1500), the U.S. Navy will revise its Draft Environmental Impact Assessment under preparation for the Navy ELectromagnetic Pulse Radiation Environmental Simulator for ships (Empress II), for projected use in the Chesapeake Bay and Atlantic Ocean, and file an Environmental Impact Statement.

Empress II, a mobile, barge-mounted EMP simulation facility, is proposed to be located part-time in an area approximately 5 miles west of Bloodsworth, Island. Empress II will require a 4-nautical mile diameter restricted area to absolutely insure that there is no effect on commercial electronic systems while radiating a manually-controlled pulse of electromagnetic energy. Bloodsworth Island has regulated zones for Navy operations. The estimated usage of the Bloodsworth site will be approximately 30 days annually when the facility becomes operational.

Empress II, when radiating, does not propagate any high voltages into the water, is not like being near a high voltage power line, a radio station, a microwave oven, or even a radar, all of which could radiate significant average energy. Empress II is a pulsed radiator, one sub-microsecond pulse every 2–30 minutes. The electric field strength of the EMP radiated from Empress II at two nautical miles will be no greater than the electric field strength radiated from an average lightning stroke at the same distance.

This decision by the Navy is being taken as the result of the scoping process conducted by the Navy which has included prior (1983) notice to potentially affected entities and a series of public meetings/conferences and exchanges of correspondence that had continued virtually until the date of this notice.

The Navy is confident that all interested parties have commented on the proposed facility, however, to insure that all are in fact included, further comment should be addressed to:

Atlantic Division, Naval Facilities Engineering Command, Norfolk, VA 23511. Attn: Mr. Ron Dudley, Code 2032E2

When the revised DEIS is completed, presently scheduled for about 1 September 1984, a public notice of its availability for review by the public will be announed in order that Federal, state and local agencies and interested persons may again comment, as deemed applicable, as a part of the formal NEPA process.

No decision to designate the proposed areas or any alternative areas for operation of Empress II will be made until the environmental process is complete and the Secretary of the Navy or his representative signs the Public Record of Decision.

Dated: August 7, 1984.

William F. Roos, Jr.,

LT, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84–21216 Filed 8–9–84; 8:45 am]

BILLING CODE 3810–AE–M

Naval Research Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Underwater Systems Center (NUSC) Review Team of the Naval Research Advisory Committee (NRAC) Panel on Laboratory Oversight will meet on August 28, 1984, at the Naval Underwater Systems Center, Newport, Rhode Island; and on August 29, 1984, at the Naval Underwater Systems Center, New London, Connecticut. The first session of the meeting will commence at 8:30 a.m. and terminate at 9:30 a.m. on August 28, 1984. The second session will commence at 9:30 a.m. and terminate at 6:00 p.m. on August 28, 1984. The third session will commence at 8:30 a.m. and terminate at 5:00 p.m. on August 29, 1984. The first session from 8:30 a.m. to 9:30 a.m. on August 28, 1984 will be open to the public. The remaining two sessions will be closed to the public.

The purpose of the meeting is to examine the scientific, technical and engineering health of NUSC. The open session will consist of a presentation on the NUSC Laboratory Overview. The remaining sessions of the meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The Secretary of the Navy therefore has determined in writing that the public interest requires that the second and third sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696–4870.

Dated: August 6, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84–21221 Filed 8–9–84; 8:45 am]

BILLING CODE 3810–AE–M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Research Advisory Committee Panel on OT&E Requirements and Facilities will meet on

August 28, 1984, at Pacific Missile Test Center, Point Mugu, California. Sessions of the meeting will commence at 8:15 a.m. and terminate at 3:45 p.m. on August 28, 1984. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to determine the adequacy of the Navy's ability to test new systems and equipment. These matters constitute classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696-4870.

Dated: August 6, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Office.

[FR Doc. 84-21217 Filed 8-9-84; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Norway

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer: RTD/NO (EU)-50, 56 fuel pins containing 28 kilograms of uranium, enriched to 3.5% in U-235. The material is to be transferred from Hanau, the Federal Republic of Germany to Halden, Norway, for irradiation testing.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

The subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 6, 1984.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-21233 Filed 8-9-84; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangements; EURATOM

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval of the following sales;

Contract Number S-EU-813, to Compagnie Miniere Dong-Trieu, France, 42.4 grams of natural uranium, for use as standard reference material.

Contract Number S-EU-814, to Bundesanstalt fur Materialprufung, Berlin, the Federal Republic of Germany, 0.0014 grams of uranium, enriched to 33% in U-235, for use as standard reference material.

Contract Number S-EU-815, to Compagnie Des Mines d' Uranium de Franceville, France, 1.108 kilograms of natural uranium, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 6, 1984.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-21232 Filed 8-9-84; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; EURATOM

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-EU-805, to British Nuclear Fuels, Ltd., Cumbria, England, 10 milligrams of uranium-234, 200 milligrams of uranium-235, 200 milligrams of uranium-236, 200 milligrams of uranium-238, 10 milligrams of plutonium-239, 10 milligrams of plutonium-240, 10 milligrams of plutonium-241, and 10 milligrams of thorium-230, to be used to calibrate mass spectrometers for analytical reliability.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 6, 1984.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-21231 Filed 8-9-84; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-83-14; ERA Case Nos. 51825-3630-01-02-03-82]

Concurrence on Certificate and Issuance of Final Prohibition Orders; Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of concurrence on certification and issuance of final prohibition orders—Medina Electric Cooperative, Inc.

SUMMARY: In accordance with sections 301(c) and 702(a) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or "the Act"), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of (1) its concurrence on a certification of coal-mixture capability filed on April 7, 1983 by the Medina Electric Cooperative, Inc. (MEC) on behalf of its Pearsall Powerplant Unit Nos. 1, 2, and 3 (hereafter referred to as Pearsall 1, 2, and 3); and (2) its issuance of final prohibition orders to Pearsall 1, 2, and 3. The certification addresses the technical capability and financial feasibility of Pearsall 1, 2, and 3 to use a mixture of petroleum or natural gas and coal or another alternate fuel as their primary energy source. Together with the supporting materials submitted by MEC and other information contained in the administrative record of this proceeding, this certification constitutes the basis for the issuance of the final prohibition orders which will prohibit the use of petroleum or natural gas in Pearsall 1, 2, and 3 in amounts in excess of the minimum amount necessary to maintain reliability of operation of the units, consistent with maintaining reasonable fuel efficiency of such mixture.

ERA's Notice of Acceptance of Certification and Issuance of Proposed Prohibition Orders to Pearsall 1, 2, and 3 was published at 48 FR 20277 (May 5, 1983). At that time, a public comment period of forty-five days was announced for the purpose of receiving written comments and requests, if any, for a public hearing on ERA's proposed prohibition orders. On September 14, 1983, a public hearing was held in Austin, Texas in response to a request filed by the South Texas Electric Cooperative (STEC). The administrative record of the proceeding closed on October 24, 1983. The comments received are discussed in the **SUPPLEMENTARY INFORMATION** section below.

The regulations implementing section 301 of FUA and governing this proceeding are 10 CFR Parts 500, 501, and 504, published on April 21, 1982, at 47 FR 17037. Additional information on the proceeding, and the final prohibition orders addressed to Pearsall 1, 2, and 3 appears in the **SUPPLEMENTARY INFORMTION** section below.

EFFECTIVE DATES: The final prohibition orders shall take effect on October 9, 1984, and the prohibitions contained in the orders shall take effect as follows: For Pearsall 1, September 30, 1986; for Pearsall 2, December 31, 1986; and for Pearsall 3, March 31, 1987.

FOR FURTHER INFORMATION CONTACT:

Robert L. Davies, Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Coal and Electricity Division, Forrestal Building, Room GA–045, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252–1316

Henry K. Garson, Esq., Department of Energy, Office of the General Counsel, Forrestal Building, Room 6D–003, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252–6947

The public file containing a copy of this Notice and all other documents and supporting materials related to the proceeding is available for inspection upon request Monday through Friday from 8:00 a.m. to 4:00 p.m. at: Department of Energy Freedom of Information Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252–6020.

SUPPLEMENTARY INFORMATION: On April 7, 1983, MEC certified to ERA that it is technically and financially feasible for its powerplants, Pearsall 1, 2, and 3 to use a mixture of petroleum or natural gas and coal or another alternate fuel as their primary energy source. As provided in section 301(c) of FUA and 10 CFR 504.5, 504.6 and 504.8, ERA may, after its review of and concurrence on a certification of coal-mixture capability, issue a mixtures prohibition order limiting the use of petroleum or natural gas as the primary energy source in a powerplant to the amount necessary to maintain reliability of unit operation, consistent with maintaining reasonable fuel efficiency of the mixture. MEC certified that, for Pearsall 1, 2, and 3, the minimum amount of the primary energy source consisting of natural gas or petroleum that will be required to achieve these purposes will be the equivalent of no more than thirty (30) percent of the respective powerplants' annual operating hours. ERA examined the certification and the documentation submitted for each of the powerplants and believed that it would be able to concur in such certification and to ultimately issue final prohibition orders based thereon. Accordingly, ERA accepted the certification and issued proposed prohibition orders to Pearsall 1, 2, and 3 on April 29, 1983 (48 FR 20277, May 5, 1983).

ERA's final regulations applicable to the issuance of prohibition orders to existing powerplants that have been certified as capable of using a petroleum or natural gas and coal (or other alternate fuel) mixture under section 301(c) of FUA are 10 CFR Parts 500, 501, and 504, published at 47 FR 17037 (April 21, 1982). The regulations require that the following actions be completed before issuance of final prohibition orders to Pearsall 1, 2, and 3:

(1) Notice of Order

Pursuant to 10 CFR 501.52(b)(2), proposed prohibition orders based upon ERA's review of the certification and the supporting information, and including an explanation of the basis therefor, must be issued to the proposed recipients and published in the **Federal Register**, together with a Notice of Acceptance of the certification. ERA complied with this requirement on April 29, 1983 (48 FR 20277, May 5, 1983).

(2) Public Participation

Pursuant to 10 CFR 501.52(b)(3), the Notice of Acceptance must commence a 45-day public comment period during which evidence pertaining to the certification and to ERA's proposed action can be submitted and a public hearing can be requested. The public comment period established for Pearsall 1, 2, and 3 in the Notice of Acceptance referred to in paragraph (1), above, would have expired on June 20, 1983, in accordance with this requirement. During this comment period, however, a hearing request was received from the South Texas Electric Cooperative (STEC). Pursuant to that request, ERA gave notice on August 12, 1983 (48 FR 36644) of a public hearing to be held on the proposed orders on September 14, 1983, in Austin, Texas. This notice extended the public comment period to September 23, 1983. By order of the Presiding Officer on September 14, 1983, the public comment period was extended to October 17, 1983 and October 24, 1983, to allow for filing of STEC's final comments and MEC's final rebuttal, respectively. Accordingly, the administrative record on Pearsall 1, 2, and 3 closed on October 24, 1983. No other requests for a public hearing were received. The following discussion reviews and responds to the issues raised during the public comment period in this docket:

I. Financial Feasibility Issues

Comments were received from STEC Challenging MEC's certification of financial feasibility for the use of the proposed mixture in Pearsall 1, 2, and 3.

If the petitioner demonstrates that it has the actual ability to obtain sufficient capital to finance the conversion, ERA will deem the conversion to be financially feasible. 10 CFR 504.6(f), which is made applicable to coal mixture prohibition order proceedings by 10 CFR 504.8, provides that ERA will consider any economic or financial factors presented to it by the proposed order recipient in determining the firm's ability or inability to finance the conversion. Specifcally, but not exclusively, included among such factors for consideration are (a) the required coverage ratios on the firm's debt and preferred stock; (b) the firm's investment program; (c) the financial impact of the conversion, including the impact of other conversions and pending or planned construction of alternate-fuel-fired plants and plants exempt from FUA prohibitions; and (d) where helpful in clarifying the longterm financial feasibility of a conversion, the economic benefits anticipated from the operations of the converted unit(s) using coal relative to those benefits to be expected from continued operations using petroleum or natural gas.

STEC based its argument on two principal contentions:

1. That, without substantial off-system sales to non-Rural Electrification Act beneficiaries (RE-Act beneficiaries), postconversion capacity factors for the Pearsall units will not be high enough to enable their power to compete favorably in price with other power; and

2. That, as a market for off-system sales in the amounts necessary to raise the Pearsall capacity factors to financially-acceptable levels does not exist, the financing of the conversion of Pearsall 1, 2, and 3 by the Rural Electrification Administration (REA) is not likely.

Accordingly, STEC concluded that, given these circumstances and the fact the MEC does not now have a binding commitment on a loan guarantee from REA, MEC does not have the actual ability to raise sufficient capital with which to finance the proposed conversion and that, therefore, the conversion to and operation of the units on the proposed coal mixture is not financially feasible.

In rebuttal of STEC's assertions, MEC submitted evidence of the following:

1. That, on the basis of historical data and future estimates of power needs within the Pool during the period 1986–1996, the capacity factors for the post-conversion Pearsall operations will average approximately 33%, without consideration of any sales of power outside of the Pool, and that sales that do occur outside of the Pool will serve to accelerate the payback and reduce Pool power costs over and above what is anticipated with in-Pool sales only;

2. That the economic scenarios used by STEC to support its assertions prematurely assume the financial feasibility and addition to the STEC/MEC Pool in the early to mid-1990's of San Miguel Station Unit 2 (San Miguel 2), a baseload lignite unit, and the concurrent need for the Pool to absorb this large addition of power; and

3. That, even were the STEC assumption regarding the addition of San Miguel 2 to be correct (which MEC does not admit to be the case), the conversion of Pearsall 1, 2, and 3 to a coal mixture would still result in a net reduction in power costs to the Pool consumer and make the conversion, consequently, financially feasible.

ERA's review of the evidence of record confirms that STEC's analysis is based upon the presumption that the Pearsall conversion costs cannot be recovered in the absence of substantial sales outside of the Pool. This presumption is based, in turn, upon a corollary presumption of the economic feasibility of San Miguel 2 and its consequent addition to the Pool capacity in the early-to-mid 1990's. ERA found, however, that the record does not clearly support San Miguel 2's probable addition to the Pool. The testimony of STEC, in fact, indicates that several alternatives are under consideration as part of STEC's future generation expansion plans and that if San Miguel 2 were constructed, its projected date for commencement of operations is an "iffy '91".

In view of such evidence, and considering all of the comments and evidence submitted during the proceeding, ERA has determined that it would be inappropriate to include San Miguel 2 in its economic dispatch considerations relating to the conversion of Pearsall 1, 2, and 3. Accordingly, ERA's decision concerning the issuance of final prohibition orders to the Pearsall units is based on the financial feasibility data relating to the operation of the units at the reasonably anticipated capacity factors put forward by MEC to meet the Pool's power needs, without adjustment for any future impact of San Miguel 2. MEC's testimony and supporting evidence indicate that the Pearsall conversion costs will be recovered through sales within the Pool, and thus, ERA has concluded that additional sales outside of the system will only enhance the financial feasibility of the conversion.

As STEC has failed to convince ERA that substantial sales of off-system power will be necessary to assure the financial feasibility of the Pearsall conversion, it has accordingly failed to convince ERA that REA is not likely to make the loan guarantee required by MEC for conversion due to a lack of firm off-system sales commitments for post-conversion Pearsall power. ERA cannot, of course, presume to prejudge or to know what REA's ultimate decision on MEC's loan request will be. However, ERA has examined its own precedents on this aspect of the matter and has found that MEC's financing situation with respect to the proposed conversion is no different than that of any other utility to which FUA prohibition orders have been traditionally granted (or will be granted) on the strength of financial feasibility certifications submitted to ERA as part of the process of securing the regulatory approvals for planned conversions, concurrent with the conclusion of the necessary financing plans and arrangements. ERA's policy of granting final prohibition orders to existing powerplants under such circumstances is fully consistent with the provisions of section 301(d) of FUA, which permits the owner or operator of such a powerplant to avoid the operation of the final prohibitions by amending the original certification prior to their effective date(s), should subsequent conditions affecting the powerplant render the conversion no longer technically or financially feasible.

II. Issues Not Pertaining to Technical/Financial Feasibility

A. Misjoinder of Parties

At the public hearing, STEC moved for the dismissal of the proceeding on MEC's certification and request that FUA prohibition orders be issued to Pearsall 1, 2, and 3 on the grounds of misjoinder of parties. Although this issue subsequently became moot with STEC's abandonment of its request, ERA's consideration of this issue is instructive and may be of future value as precedent.

STEC's request was based upon its belief that the significant interest which it has in the STEC/MEC Pool's operations, as MEC's Pool partner, warranted its joinder by ERA with MEC as a party to the FUA prohibition order-issuing proceeding. Under the Pool Agreement, both STEC and MEC are committed to operate their respective facilities in such a manner as to provide electric power and energy at the lowest combined cost to the connected systems. As a result of the operation of this agreement, STEC is responsible for the purchase of roughly three quarters of the Pool generation and bears

approximately three quarters of the Pool's costs in return.

ERA accepts section 301(c) of FUA as dispositive of this issue: The owner or operator of an existing powerplant is permitted to certify to ERA the technical and financial feasibility of the use of a proposed coal and petroleum/natural gas mixture as the primary energy source in the subject powerplant. The implementing regulations, particularly the definition of "certifying powerplant" in 10 CFR 500.2, reflects this statutory provision. The Power Pooling Agreement between STEC and MEC unequivocally identifies MEC as the owner and operator of Pearsall Station. Therefore, MEC is the sole party possessed of the right to certify the Pearsall units to ERA for the purpose of commencing a prohibition order proceeding. During the course of the proceeding so initiated, STEC's rights are those of an interested party entitled to submit public comment during the period provided for such and to have its comments given due consideration by ERA in reaching its final determination on the order issuance request.

B. Matters Requiring Clarification

The following issues were raised in comments submitted by STEC. While none goes to the validity of the MEC certification, ERA believes that each requires a response.

1. *Limitation on Use of Petroleum/Natural Gas in Units Subject to Fuels Mixture Orders.* STEC asked for clarification of the maximum amount of natural gas or petroleum that MEC would be permitted to use as the primary energy source for Pearsall 1, 2, and 3 in post-conversion operations. STEC's original understanding was that MEC had certified that the technical feasibility of the Pearsall units depended upon the firing of natural gas or petroleum solely for thirty (30) percent of all operating hours and the firing of a mixture consisting of up to thirty (30) percent of natural gas or petroleum with coal for the balance of all operating hours. MEC's certification, in fact, stated that the prohibition orders requested should limit the Pearsall units to no more than 30 percent of annual operating hours on natural gas or petroleum, which is the minimum necessary to maintain availability during peak load season. Accordingly, the final orders will prohibit the use of any amounts of these fuels as the primary energy source beyond the stated minimum amount. It should be noted, however, that the prohibited use of natural gas or petroleum affects *only* the primary energy source and does not impact the use of these fuels for purposes excluded by definition in 10 CFR § 500.2. Also, the mixture permitted to be used in the units consists of the amounts of natural gas or petroleum and coal used simultaneously or alternately.

2. *Effective Date of Prohibition Orders.* STEC was concerned about the possibility that the final prohibition orders would become effective prior to the completion of the Pearsall conversion. FUA and its regulations maintain a distinction between the terms "final prohibition order" and "final prohibitions", however. Prohibition orders are routinely made effective on the sixtieth day following publication in the **Federal Register** for purposes of judicial review under section 702 of FUA. The prohibitions contained in the final order do not become effective until the date or dates certain, specified in the notice of issuance of final orders and in the orders themselves. The effective dates of the prohibitions are established at a time in the future that will fully permit for the conversion of the powerplants to which they apply, so that the commencement of operations on the alternate fuel or fuel mixture will be in full accordance with FUA and all other applicable regulations, including environmental requirements.

3. *Acceptance of Pearsall Conversion by ERCOT.* STEC questioned why the prohibition orders to the Pearsall units should not be conditioned upon the acceptance of converted unit operations by the Energy Reliability Council of Texas (ERCOT) as satisfying a portion of the STEC/MEC obligation to maintain generating capacity. ERA cannot justify the inclusion in the final Pearsall orders of such a condition without justification therefor and in view of the fact that MEC has satisfied all of the requirements for the unconditional issuance of the orders under FUA.

III. Comments Received Following the Close of the Public Comment Period

As noted previously, the Presiding Officer established the close of the public comment period as follows: For final comments of STEC and other interested parties, October 17, 1983; for final rebuttal comments of MEC, October 24, 1983. The Presiding Officer ruled that no comments received after these dates could be accepted into the public record of this proceeding. Accordingly, ERA considered no comments received after these dates in reaching its determination on the issuance of final orders to Pearsall 1, 2, and 3.

(3) NEPA Compliance

Pursuant to 10 CFR 501.52(b)(3), no final prohibition orders can be issued until any necessary environmental review pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA) is completed. ERA completed its NEPA review on the proposed Pearsall conversion in November 1983 with the issuance of an Environmental Assessment (EA) entitled "Conversion to Coal, Medina Electric Cooperative Inc. Pearsall Power Plant Units 1, 2 and 3, Pearsall, Frio County, Texas" (DOE/EA–0230). The EA is based upon the Borrower's Environmental Report (BER) filed in support of MEC's application for a Rural Electrification Administration Guarantee of financing and support for the Pearsall convension.[1]

Based on the review of the EA and after consultation with the Office of the General Counsel, DOE determined that the finalization of the prohibition orders to Pearsall 1, 2, and 3 would not constitute a major Federal action significantly affecting the quality of the human environment, and that, therefore, no environmental impact statement is required.[2]

Accordingly, after consideration of the whole record in this proceeding, and finding its proposed actions to be supported by reliable, probative, and substantial evidence, ERA concurs in the certification of coal-mixture capability filed by MEC on behalf of Pearsall 1, 2, and 3 and issues the following final prohibition orders:

Prohibition Orders

Medina Electric Cooperative, Inc.,
Pearsall Unit 1
Docket No. 51825–3630–01–82
Medina Electric Cooperative, Inc.,
Pearsall Unit 2
Docket No. 51825–3630–02–82

[1] Part One, REA Bulletin 20–21: 320–21, section 1501. B.2 requires the BER to provide the Rural Electrification Administration (REA) with sufficient information for it to perform an EA in order to determine whether the proposed project will significantly affect the human environment and will thus require the preparation of an Environmental Impact Statement. The ERA/DOE Office of Fuels Programs worked closely with REA in the scoping and preparation of the BER on which DOE/EA–0230 is based.

[2] Memorandum of November 18, 1983, accompanying Finding of No Significant Impact, from William A. Vaughan, Assistant Secretary, Environmental Protection, Safety and Emergency Preparedness, to Robert L. Davies, Director, Coal and Electricity Division. The memorandum also indicates that, as the EA does not fall within the criteria of sections 1506.6 and 1501.4 of the Council on Environmental Quality's NEPA regulations, it requires neither **Federal Register** publication nor a 30-day comment period.

Medina Electric Cooperative, Inc.,
Pearsall Unit 3
Docket No. 51825-3630-03-82

Pursuant to section 301(c) of FUA and 10 CFR 504.8, ERA hereby prohibits the above-named powerplants from using petroleum or natural gas as a primary energy source in amounts exceeding the minimum amount necessary to maintain reliability of operation consistent with maintaining the reasonable fuel efficiency of the mixture, effective as follows: For Pearsall 1, September 30, 1987; for Pearsall 2, December 31, 1987; and for Pearsall 3, March 31, 1988. For Pearsall 1, 2, and 3, these amounts shall be the equivalent of the operation of each of the units on petroleum or natural gas for thirty (30) percent of their respective annual operating hours. Under section 103(a)(28) of FUA, MEC may use an actual mixture of natural gas or petroleum and coal or a combination of such fuels simultaneously or alternately in the powerplants, in compliance with these prohibitions. As provided in section 301(c) of FUA and 10 CFR 504.8(a), these prohibition orders are based upon ERA's findings that:

(1) Pearsall 1, 2, and 3 have the technical capability of using a mixture of petroleum or natural gas with coal or another alternate fuel as their primary energy source in accordance with 10 CFR 504.6(c); *i.e.* as proposed to be modified, the units will have the technical capability to use the mixture specified in the certification; and

(2) It is financially feasible for MEC to use a mixture of petroleum or natural gas with coal or another alternate fuel as a primary energy source in Pearsall 1, 2, and 3 as MEC has the actual ability to obtain sufficient capital to finance the conversions, within the meaning of 10 CFR 504.6(f).

These findings are based upon the contents of the certification submitted by MEC on behalf or Pearsall 1, 2, and 3, on which certification ERA has, above, concurred; upon the data furnished to ERA by MEC in support of the certification, and upon all other relevant evidence in the administrative record, including public comments submitted in writing and orally at the public hearing.

The prohibition orders to Pearsall 1, 2, and 3 are final upon publication for purposes of judicial review under section 702 of FUA, and they shall become effective on October 9, 1984.

The prohibition stated in the order shall become effective on September 30, 1987, December 31, 1987, and March 31, 1988 for Pearsall 1, 2, and 3, respectively. MEC may at any time amend the certification applicable to Pearsall 1, 2, and 3 in order to take into account changes in relevant facts and circumstances that have occurred, except that no such amendment to the certification may be made after the prohibitions based thereon have become effective (section 301(d) of FUA; 10 CFR 501.52(d)). MEC may also amend the compliance schedule which it filed under 10 CFR 504.5(d) during this period of time. The rescission or modification of prohibitions that are in effect may be sought under 10 CFR Part 501, Subpart G—"Requests for Modification or Rescission of a Rule or Order" (10 CFR §§ 501.100-501.103)).

Issued in Washington, D.C., on August 2, 1984.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-21234 Filed 8-9-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA84-2-20-005]

Algonquin Gas Transmission Co.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

August 6, 1984.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on July 30, 1984, tendered for filing Fifth Revised Sheet No. 201 and Third Revised Sheet No. 231 to its FERC Gas Tariff, Second Revised Volume No. 1.

Algonquin Gas states that Fifth Revised Sheet No. 201 and Third Revised Sheet No. 231 are being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision as set forth in Section 17 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1. The rates as shown on Fifth Revised Sheet No. 201 reflect the following: (i) An adjustment to amortize the June 30, 1984 balance in Algonquin Gas' Unrecovered Purchased Gas Cost Account (Account 191) and (ii) an adjustment to reflect higher purchased gas cost to be charged by its supplier, Texas Eastern Transmission Corporation ("Texas Eastern"), to Algonquin Gas proposed to be effective August 1, 1984, under Texas Eastern's Sixty-ninth Revised Sheet No. 14D. Sheet No. 231 reflects Projected Incremental Pricing Surcharges for the period September, 1984 through February, 1985.

Algonquin Gas proposes the effective date of Fifth Revised Sheet No. 201 and Third Revised Sheet No. 231 to be September 1, 1984.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 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 August 14, 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. 84-21285 Filed 8-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-107-000]

Arkansas Louisiana Gas Company, a Division of Arkla, Inc.; Filing

August 6, 1984.

Take notice that Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla) on July 31, 1984, tendered for filing proposed changes in its Rate Schedule Nos. G-2 and X-26 under section 4 of the Natural Gas Act.

Arkla states that it sells gas for resale in several small towns in Oklahoma and Kansas under its Rate Schedule G-2 and that this filing represents a total annual increase under this rate schedule of approximately $214,532. Arkla states that it sells gas for resale to Northwest Central Pipeline Corporation at a point near Jane, Missouri, and that this filing represents an annual total increase of approximately $5,940,030 to this customer. Arkla states that the increases result from declining sales volumes and rising costs generally and requests that if this filing is suspended, the suspension be limited to one day.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 14, 1984. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-21286 Filed 8-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-106-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

August 6, 1984.

Take notice that on July 27, 1984, Columbia Gas Transmission Corporation (Columbia) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 1, to be effective July 31, 1984:

Ninety-fourth Revised Sheet No. 16
Ninth Revised Sheet No. 30
Fifth Revised Sheet No. 31

Columbia states that it is tendering these tariff sheets for filing for the purpose of fully complying with the requirements set forth in the Commission's Order No. 380 issued May 25, 1984 in Docket No. RM83-71-000. This order (i) prohibits minimum commodity bills that recover purchased gas costs, fuel costs or other variable costs which are not actually incurred in rendering service and (ii) requires that purchased gas costs be stated separately in all pipeline sales tariffs.

This tariff filing, in regard to the minimum bill provisions, affects only Rate Schedule SGS which accounts for approximately one-half of one percent (0.5%) of Columbia's annual sales.

Columbia respectfully requests such waivers of the Commission's Regulations as may be deemed necessary to permit the revised tariff sheets to become effective July 31, 1984.

Copies of the filing were served by Columbia upon its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or Rule 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 August 14, 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 to the proceeding 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. 84-21287 Filed 8-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-53-004, RP81-55-002, RP82-124-004 and TA84-2-2-001]

East Tennessee Natural Gas Co.; Tariff Filing

August 6, 1984.

Take notice that on July 27, 1984, East Tennessee Natural Gas Company (East Tennessee) tendered for filing the following tariff sheets to Original Volume No. 1 of its FERC Gas Tariff, to be effective July 1, 1984:

Substitute Ninth Revised Sheet No. 4
First Revised Sheet No. 19, 20, 21, 23, 24, 30, 31, 32, 33, 34, 35, 36, 38, 43, 44, 45, 46, 104, 106, 107, 115, 116, 121, 124 and 133
Second Revised Sheet No. 193

East Tennessee states that these tariff sheets reflect the terms and provisions of a Stipulation and Agreement dated April 6, 1984, as approved by the Commission's letter order of July 20, 1984. Although such tariff sheets are not required to be made effective until after the Commission's July 20 order becomes final, East Tennessee requests that they be made effective July 1, 1984, so as to implement the reduced rates as soon as possible. Substitute Ninth Revised Sheet No. 4, in addition to reflecting the reduced base tariff rates under the Stipulation, also reflects an adjustment to East Tennessee's PGA rate resulting from a Commission order revision in the rates of its supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers, affected state regulatory commissions and all parties in the captioned proceedings. Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before August 14, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in the respective proceedings is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-21288 Filed 8-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-60-000 and TA84-2-60-001]

Locust Ridge Gas Co.; Change in Rates

August 6, 1984.

Take notice that on July 31, 1984, Locust Ridge gas Company (Locust Ridge) submitted for filing as part of its FERC Gas Traiff, Original Volume No. 3 and Original volume No. 1 and the following tariff sheets to be effective September 1, 1984:

Eighteenth Revised Sheet No. 1A
Eleventh Revised Sheet No. 1A

Locust Ridge states the purpose of the filing is to submit, for approval by the Commission, a revision in Locust Ridge's rate to reflect proposed changes in the Purchase Gas Adjustment (PGA) component of Locust Ridge's rate for the period of September 1, 1984 through February 28, 1985. The overall effect of the filed for adjustments to Locust Ridge's sales rate is a decrease of $0.1851 per MMBtu.

Locust Ridge requests waiver of the Commissions regulations to the extent, if any, required to put the proposed tariff sheets into effect September 1, 1984.

A copy of this filing has been mailed to Locust Ridge's jurisdictional customers.

Any person desiring to be heard or to protest said application 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 §§ 385.211 and 385.214 of the Commission's Rule of Practice and Procedure (18 CFR 385.211, 385.214). All petitions or protests should be filed on or before August 14, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the

Commission and are available for public inspection.

Kenneth F. plumb,

Secretary.

[FR Doc. 84-21289 Filed 8-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA84-2-25-000 and TA84-2-25-001]

Mississippi River Transmission Corp.; Rate Change in Filing

August 6, 1984.

Take notice that on August 1, 1984, Mississippi River Transmission Corporation ("Mississippi") tendered for filing Seventh Revised Sheet No. 4 and Second Revised Sheet No. 4A to its FERC Gas Tariff, Second Revised Volume No. 1. An effective date of September 1, 1984 is proposed.

Seventh Revised Sheet No. 4 is being submitted pursuant to Mississippi's gas tariff to track pipeline and producer rate changes and to recover gas costs which have accumulated in Mississippi's Unrecovered Purchased Gas Cost Account. Additionally, the filing reflects changes in the level of Advance Payment costs pursuant to the Stipulation and Agreement at Docket No. RP83-66.

Mississippi states that the effect of the purchased gas cost and base rate adjustments on Mississippi's Rate Schedule CD-1 rates is to decrease the demand charge D-1 rate by $1.415 per Mcf and increase the commodity rate by $.2278 per Mcf. The single part rate under Rate Schedule SGS-1 reflects an increase of $.1115 per Mcf. Overall Mississippi claims the instant filing reflects an average increase in the cost of purchased gas of $.1266 per Mcf for both Rate Schedules CD-1 and SGS-1, or an annualized cost increase of $17.0 million.

Mississippi states that copies of its filing have been served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 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 August 14, 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. 84-21290 Filed 8-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2975-005]

Oakdale and South San Joaquin Irrigation Districts; Application for Transfer of Major License

August 7, 1984.

Public notice is hereby given that an application was filed on July 16, 1984, under the Federal Power Act, 16 U.S.C. 791(a)-825(r), by the Oakdale and South San Joaquin Irrigation Districts, licensee, and Tri-Dam Power Authority, transferee, for transfer of major license for the Sand Bar Water Power Project No. 2975. The project is located on the Middle Fork Stanislaus River in Tuolumne County, California. Correspondence should be directed to: Mr. J. W. Southern, General Manager, Tri-Dam Power Authority, Star Route, Box 1303, Sonora, Ca. 95370.

The transferee is a municipality organized under the laws of the State of California. Transferee states that it will comply with all applicable laws of the State of California as required by Section 9(b) of the Federal Power Act.

Anyone desiring to be heard or to make protest about this application should file a motion to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 385.211 or 385.214. Comments not in the nature of a protest may also be submitted by conforming to the procedures specified for protests. In determining the approproate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearings, a person must file a motion to intervene in accordance with the Commission's Rules. Any comments, protests, or motions to intervene must be received on or before September 17, 1984. The Commission's address is: 825 North Capitol Street, NE., Washington D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-21291 Filed 8-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-58-011]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

August 6, 1984.

Take notice that Southern Natural Gas Company (Southern) on August 1, 1984, tendered for filing proposed changes in its FERC Gas Tariff, Sixth Revised Volume No. 1, Original Volume No. 2 and First Revised Volume No. 2A. The proposed changes would reduce revenues from jurisdictional sales and transportation services by approximately $72 million annually from the revenues generated by the currently effective rates and would increase the availability of Southern's G Rate Schedules.

Southern states that the filing includes revised tariff sheets with proposed effective dates of July 1, 1984 and September 1, 1984. These tariff sheets are being filed pursuant to the Stipulation and Agreement in Southern's Docket No. RP83-58 which was approved by the Commission on June 28, 1984. The Stipulation provides that Southern shall file revised tariff sheets to be effective not later than the first day of the month following the date the Commission's Order approving the Settlement becomes final. Although the Commission's June 28, 1984 Order approving the Settlement has not yet become final, in order to implement the rate reduction as soon as possible, Southern proposes that the tariff sheets which provide the reduced Settlement Rates be made effective July 1, 1984 and all other tariff sheets be made effective September 1, 1984.

Copies of this filing are being served upon Southern's jurisdictional customers and interested state public service commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with §§385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before Augst 14, 1984. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-21292 Filed 8-9-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2651-8]

Availability of Environmental Impact Statements Filed July 30, Through August 3, 1984 Pursuant to 40 CFR 1506.9

Responsible agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

EIS No. 840302, Final, COE, CA, Rancho Mirage/West Magnesia Canyon Channel Flood Control Plan, Riverside County, Due: September 10, 1984, Contact: John Kennedy (213) 688-5421.

EIS No. 840340, Final, FHW, VA, I-95/I-85 Connector Construction, Richmond-Petersburg Turnpike to I-295, Henrico and Chesterfield Cos., Due: September 10, 1984, Contact: James Tumlin (804) 771-2371.

EIS No. 840341, Draft, USN, CA, Naval Station Treasure Island Additional Ship Homeporting, San Francisco Bay Region, San Francisco County, Due: September 24, 1984, Contact: Doug Moore (415) 877-7546.

EIS No. 840342, Final, EPA, KY, North Jefferson County Wastewater Treatment Facilities Construction, Grant, Due: September 10, 1984, Contact: Ronald Mikulak (404) 881-3776.

EIS No. 840343, Final, FAA, CA, Burbank-Glendale-Pasadena Airport, Passenger Terminal Replacement Project, Los Angeles County, Due: September 10, 1984, Contact: Gerald Dallas (213) 536-6243.

EIS No. 840344, Draft, BLM, WY, Grass Creek and Cody Resource Wilderness Study Areas, Designation, Big Horn, Hot Springs, Park and Washakie Cos., Due: November 1, 1984, Contact: Bruce Blanchard (202) 343-3891.

EIS No. 840345, Final, COE, PA, WV, Locks and Dam Nos. 7 and 8 Modifications, Monogahela River Navigation System, Green and Fayette Cos., PA and Monogahela County, West Virginia, Due: September 10, 1984, Contact: James Purdy (412) 644-6844.

EIS No. 840346, Draft, EPA, REG, Fossil Fuel Fired Industrial Boilers, Emission Standards, Due: September 24, 1984, Contact: Walt Stevenson (919) 541-5626.

EIS No. 840347, Draft, VAD, MI, Allen Park Veterans Administration Medical Center, Modernization or Replacement, Wayne County, Due: September 24, 1984, Contact: William Sullivan (202) 389-2192.

EIS No. 840348, Draft, COE, TT, Village of Garapan Flood Control Projects, Saipan, commonwealth of the Northern Mariana Islands, Due: September 24, 1984, Contact: James Maragos (808) 438-2263.

EIS No. 840349, Draft, EPA, REG, Nonfossil Fuel Fired Industrial Boilers, Emission Standards, Due: September 24, 1984, Contact: Walt Stevenson (919) 541-5626.

Dated: August 7, 1984.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 84-21263 Filed 8-9-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59167; OPTS-FRL-2652-2]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by August 27, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-59167]" and the specific TME number should be sent to: Document Control Officer (TS-793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room 107 at the above address.

TME 84-74

Close of Review Period. September 12, 1984.

Manufacturer. Products Research and Chemical Corporation.

Chemical. (S) Reaction product of methylene-bis-(4-cyclohexylisocyanate) with the polymer of ethanol, 2-mercapto oxirane extended, hydroxy terminated.

Use/Production. (S) To be evaluated as an ingredient by aircraft manufacturers for protective coatings in fuel exposed areas. Prod. range: 500 kg 2 years.

Toxicity Data. No data on the TME substance submitted.

Exposure. Manufacture and processing: a total of 43 workers, up to 8 hrs/da, up to 15 da/yr.

Environmental Release/Disposal. No data submitted.

TME 84-75

Close of Review Period. September 14, 1984.

Manufacturer. Product Research and Chemical Corporation.

Chemical. (S) Reaction product of methylene-bis-(4-cyclohexylisocyanate) with the polymer of ethanol,2,2'thiobis ethanol, 2 mercapto oxirane, methyl.

Use/Production. (S) To be evaluated as an ingredient by aircraft parts manufacturers as a protective coating in fuel exposed areas. Prod. range: 500 kg 2 years.

Toxicity Data. No data on the TME substance submitted.

Exposure. Manufacture and processing: dermal, a total of 43 workers, up to 8 hrs/da, up to 15 da/yr.

Environmental Release/Disposal. No data submitted.

Dated: August 6, 1984.

V. Paul Fuschini,

Acting Director, Information Management Division.

[FR Doc. 84-21259 Filed 8-9-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51531; BH-FRL 2652-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of thirty PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 84–1005, 84–1006, 84–1007, 84–1008, 84–1009, 84–1010, 84–1011, 84–1012, 84–1013, 84–1014, 84–1015, 84–1016 and 84–1017—October 24, 1984.

PMN 84–1018, 84–1019, 84–1020, 84–1021 and 84–1022—October 27, 1984.

PMN 84–1023, 84–1024, 84–1025, 84–1026, 84–1027, 84–1028 and 84–1029—October 28, 1984.

PMN 84–1032, 84–1033, 84–1034, 84–1035 and 84–1036—October 30, 1984.

Written comments by:

PMN 84–1005, 84–1006, 84–1007, 84–1008, 84–1009, 84–1010, 84–1011, 84–1012, 84–1013, 84–1014, 84–1015, 84–1016 and 84–1017—September 24, 1984.

PMN 84–1018, 84–1019, 84–1020, 84–1021 and 84–1022—September 27, 1984.

PMN 84–1023, 84–1024, 84–1025, 84–1026, 84–1027, 84–1028 and 84–1029—September 28, 1984.

PMN 84–1032, 84–1033, 84–1034, 84–1035 and 84–1036—September 30, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS–51531]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460, (202–382–3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address.

PMN 84–1005

Manufacturer. Confidential.

Chemical. (G) Alkyl amine derivative.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufactuer: dermal, a total of 10 workers, up to 2 hrs/da, up to 24 da/yr.

Environmental Release/Disposal. Release to air and land. Disposal by landfill or heat recovery in accordance with stringent requirements of the Clean Air Act, Clean Water Act, and/or Resource Conservation and Recovery Act (RCRA).

PMN 84–1006

Manufacturer. The Dow Chemical Company.

Chemical. (S) Terpolymer of isoprene, styrene and alpha-methylstyrene.

Use/Production. (S) Adhesive component for industrial, commercial and consumer use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 9 workers, up to 12 hrs/da, up to 3 da/yr.

Environmental Release/Disposal. 10 kg/batch released to air. Disposal by incineration.

PMN 84–1007

Manufacturer. Anitec Image Corporation.

Chemical. (G) 3-alkyl-2-(2-anilino)vinyl thiazolinium salt.

Use/Production. (S) Intermediate for photographic sensitizing dye. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84–1008

Manufacturer. Confidential.

Chemical. (G) Alkyl thiadiazole.

Use/Production. (G) Open, non-dispersive use in printing. Prod. range: Confidential.

Toxicity Data. Acute oral: Male—9.30 g/kg and female—1.87 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin—Nonirritant, Eye—Moderate; Ames Test: Not mutagenic.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by publicly owned treatment works (POTW).

PMN 84–1009

Manufacturer. Confidential.

Chemical. (G) Aliphatic polycarbonate urethane.

Use/Production. (S) Industrial, commercial and consumer coating and adhesive. Prod. range: 20,000–40,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 4 hrs/da, up to 10 da/yr.

Environmental Release/Disposal. No release.

PMN 84–1010

Manufacturer. Confidential.

Chemical. (G) Aliphatic polycarbonate urethane.

Use/Production. (S) Industrial, commercial and consumer coating and adhesive. Prod. range: 20,000–40,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 4 hrs/da, up to 10 da/yr.

Environmental Release/Disposal. No release.

PMN 84–1011

Manufacturer. Confidential.

Chemical. (G) Aliphatic polyester urethane.

Use/Production. (S) Industrial, commercial and consumer polymeric coating and adhesive. Prod. range: 20,000–40,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 4 hrs/da, up to 10 da/yr.

Environmental Release/Disposal. No release.

PMN 84–1012

Manufacturer. Confidential.

Chemical. (G) Aliphatic polyester urethane.

Use/Production. (S) Industrial, commercial and consumer coating and adhesive. Prod. range: 20,000–40,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 4 kgs/da, up to 10 da/yr.

Environmental Release/Disposal. No release.

PMN 84–1013

Manufacturer. Confidential.

Chemical. (G) Aliphatic polyether urethane.

Use/Production. (S) Industrial, commercial and consumer coating and adhesive. Prod. range: 20,000–40,000 kg/yr.

Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 4 workers, up to 4 hrs/da, up to 10 da/yr.
Environmental Release/Disposal. No release.

PMN 84–1014

Manufacturer. Confidential.
Chemical. (G) Aliphatic polyether urethane.
Use/Production. (S) Industrial, commercial and consumer coating and adhesive. Prod. range: 20,000–40,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: a total of 4 workers, up to 4 hrs/da, up to 10 da/yr.
Environmental Release/Disposal. No release.

PMN 84–1015

Manufacturer. Monsanto Company.
Chemical. (G) Modified acrylamide polymer.
Use/Production. (G) Industrial bonding resin. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: dermal, a total of 3 workers, up to 1 hr/da, up to 200 da/yr.
Environmental Release/Disposal. No release.

PMN 84–1016

Manufacturer. Monsanto Company.
Chemical. (G) Modified acrylamide polymer.
Use/Production. (G) Industrial bonding resin. Prod. range: Confidential.
Toxicity Data. Acute oral: > 5,000 mg/kg; Acute dermal: > 5,000 mg/kg; Irritation: Skin—Very slight, Eye—Slight.
Exposure. Manufacture: dermal, a total of 3 workers, up to 1 hr/da, up to 200 da/yr.
Environmental Release/Disposal. No release.

PMN 84–1017

Manufacturer. Monsanto Company.
Chemical. (G) Modified acrylamide polymer.
Use/Production. (G) Industrial bonding resin. Prod. range: Confidential.
Toxicity Data. Acute oral: > 5,000 mg/kg; Acute dermal: > 5,000 mg/kg; Irritation: Skin—Very slight; Eye—Slight.
Exposure. Manufacture: dermal, a total of 3 workers, up to 1 hr/da, up to 200 da/yr.
Environmental Release/Disposal. No release.

PMN 84–1018

Manufacturer. Confidential.
Chemical. (G) Urethane adduct.
Use/Production. (G) Used in a highly dispersive use as a component of an industrial coating material. Prod. range: 110,000–455,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 30 workers, up 4 hrs/da, up to 216 da/yr.
Environmental Release/Disposal. 5 to 300 kg/batch released to land. Disposal by incineration and landfill.

PMN 84–1019

Manufacturer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Polysubstituted alkyl thiocyanate.
Use/Production. (G) Site-limited non-dispersive chemical intermediate. Prod. range: 6,000–20,000 kg/yr.
Toxicity Data. Acute oral: 1,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Mild.
Exposure. Manufacture: dermal, a total of 3 workers, up to 1.8 hr/da, up to 21 da/yr.
Environmental Release/Disposal. 26.7 kg/batch released to land. Disposal by on-site waste water treatment/sludge and landfill.

PMN 84–1020

Manufacturer. Confidential.
Chemical. (G) Isophthalic polyester.
Use/Production. (G) Metal coating. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 4 workers, up to 4 hrs/da, up to 2 da/yr.
Environmental Release/Disposal. 1,300 kg to air by distillation. Disposal by incineration.

PMN 84–1021

Manufacturer. Confidential.
Chemical. (G) Modified styrene-divinylbenzene polymer.
Use/Production. (G) For use with aqueous solutions in a contained use. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: dermal, a total of 6 workers, up to 2 hrs/da, up to 10 da/yr.
Environmental Release/Disposal. No release.

PMN 84–1022

Manufacturer. Confidential.
Chemical. (G) Modified styrene-divinylbenzene polymer.
Use/Production. (G) For use with aqueous solutions in a contained use. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: dermal, a total of 6 workers, up to 2 hrs/da, up to 10 da/yr.
Environmental Release/Disposal. No release.

PMN 84–1023

Manufacturer. The Dow Chemical Company.
Chemical. (S) Quadpolymer of isoprene, 1,3-butadiene, styrene and alpha-methylstyrene.
Use/Production. (S) Industrial, commercial and consumer adhesive component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 9 workers, up to 12 hrs/da, up to 3 da/yr.
Environmental Release/Disposal. 10 kg/batch released to air. Disposal by incineration.

PMN 84–1024

Manufacturer. Confidential.
Chemical. (G) Alkyl substituted 4-amino, 1-8 naphthalimide.
Use/Production. (S) Tracer dye. Prod. range: 2,500–4,500 kg/yr.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: dermal, a total of 2 workers, up 3–4 hrs/da, up to 12 da/yr.
Environmental Release/Disposal. Less than 0.1 kg/batch released to water. Disposal by POTW.

PMN 84–1025

Manufacturer. Confidential.
Chemical. (G) Modified essential oil.
Use/Production. (G) Highly dispersive use. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—No irritation, Skin sensitization: No sensitization.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 84–1026

Importer. Confidential.
Chemical. (G) Phenol, Benzylic ether.
Use/Import. (G) Highly dispersive use. Import range: Confidential.
Toxicity Data. Acute oral: 1,000–8,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Minimal; Skin sensitization: No sensitizing capacity; Phototoxicity: No phototoxic potential; Photoallergenicity: No photoallergenic properties.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 84–1027

Manufacturer. Pearsall Division, Witco Chemical Corporation.

Chemical. (G) Sulfurized reaction products of animal oil, vegetable fatty ester, olefin and turpentine.
Use/Production. (S) Industrial oil additive (drawing compound). Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 4 workers, up to 4 hrs/da.
Environmental Release/Disposal. No release. Disposal by approved landfill and by adding to future batches.

PMN 84–1028

Importer. Confidential.
Chemical. (S) 1,4 dimethylol cyclohexane ethoxylate propoxylate.
Use/Import. (S) Site-limited and industrial electroless and electroplating additive to aqueous electrolytes for metal deposition. Import range: 2,000–3,000 kg/yr.
Toxicity Data. Acute oral: 5,300–10,700 mg/kg.
Exposure. Processing and use: dermal, a total of 33 workers, up to 2 hrs/da, up to 64 da/yr.
Environmental Release/Disposal. 1 to 120 g/da, 52 g/2 mos and 40 g/batch released to water with 1 to 100 g/2 mos and 5 g/batch to land. Disposal by POTW and chemical landfill.

PMN 84–1029

Manufacturer. Confidential.
Chemical. (G) Polyether aromatic isocyanate terminated prepolymer.
Use/Production. (G) Degree of containment—open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 84–1032

Manufacturer. Confidential.
Chemical. (G) Styrene/acrylate latex.
Use/Production. (G) Interior wood coating. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 84–1033

Manufacturer. Ethyl Corporation.
Chemical. (G) Alkylated phenol.
Use/Production. (S) Site-limited intermediate in process. Prod. range: Confidential.
Toxicity Data. Acute oral: >1 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.
Exposure. Confidential.
Environmental Release/ Disposal. Release to air, water and land.

PMN 84–1034

Manufacturer. Confidential.
Chemical. (G) Mercaptocarboxylic acid ester reaction product with olefin.
Use/Production. (G) Plastics additive. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal.
Environmental Release/Disposal. No release to air and water.

PMN 84–1035

Manufacturer. Confidential.
Chemical. (G) Polyamide-imide.
Use/Production. (G) Polymer for insulation. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: a total of 6 workers.
Environmental Release/Disposal. Confidential.

PMN 84–1036

Manufacturer. Confidential.
Chemical. (G) Polyamide-imide.
Use/Production. (G) Polymer for insulation Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: a total of 6 workers.
Environmental Release/Disposal. Confidential.

Dated: August 7, 1984.

Linda A. Travers,

Acting Director, Information Mangagment Division.

[FR Doc. 84–21258 Filed 8–9–84; 8:45 am]

BILLING CODE 6560-50-M

[PF–379; OPTS–FRL 2611–3]

Pesticide Tolerance Petitions; Certain Companies

Correction

In FR Doc. 84–16296 beginning on page 25292 in the issue of Wednesday, June 20, 1984, make the following corrections:

1. On page 25293, second column, six lines below the table, "Dated: June 18, 1984" should have read "Dated: June 8, 1984".

2. On the same page, in the third column, eighth line, "ethosy" should have read "ethoxy". In the eleventh and fourteenth lines "methylenthyl" should have read "methylethyl" and in the seventeenth line, "phospthinoyl" should have read "phosphinthioyl".

BILLING CODE 1505-01-M

[OPP–240049; PH–FRL 2607–4]

Pesticides; Special Local Need Registrations; Voluntary Cancellations

Correction

In FR Doc. 84–15955 beginning on page 25298 in the issue of Wednesday, June 20, 1984, make the following corrections:

On page 25301, in the entry for "North Carolina" under the "Product name" third line, "89" should have read "80" and in the fifth line "MN–80" should have read "MH–30".

BILLING CODE 1505-01-M

[OPP–50619; PH–FRL–2612–8]

Issuance of Experimental Use Permits

Correction

In FR Doc. 84–17370 beginning on page 26805 in the issue of Friday, June 29, 1984, make the following correction:

On page 26805, third column, first complete paragraph, sixth line, "gloxy" should have read "yloxy".

BILLING CODE 1505-01-M

[OPOTS–59157A/158A]

Certain Chemicals; Approval of Test Marketing Exemptions

Correction

In FR Doc. 84–17373 beginning on page 26799 in the issue of Friday June 29, 1984, make the following corrections:

1. On page 26800, first column, eleventh line, "1,999" should have read "1,000".

2. On the same page, same column, in TME 84–52, third line, "21132" should have read "22132".

3. In the same column, in TME 84–53, third line, "21132" should have read "22132". In the fifth line, "vinly" should have read "vinyl" and "acrylant" should have read "acrylate".

4. On the same page in the second column, in TME 84–54, third line "21132" should have read "22132".

BILLING CODE 1505-01-M

[PP 3G2757/T447; PH–FRL 2614–6]

Pendimethalin; Establishment of Temporary Tolerance

Correction

In FR Doc. 84–16923 appearing on page 26287 in the issue of Wednesday, June 27, 1984, make the following corrections:

In the first column, seventh line from the bottom, insert a hyphen after *N*. In the sixth line from the bottom, "demethyl" should have read "dimethyl".

BILLING CODE 1505-01-M

[PF-376; PH-FRL 2614-4]

American Cyanamid Co.; Pesticide Tolerance Petitions

Correction

In FR Doc. 84-16927 beginning on page 26286 in the issue of Wednesday, June 27, 1984, make the following correction:

On page 26286, third column, last paragraph, remove the second to the last line. In the same paragraph, last line, "methol" should have read "methyl".

BILLING CODE 1505-01-M

[OPP-240043; PH-FRL 2607-5]

Pesticides; Special Local Need Registrations; Voluntary Cancellations

Correction

In FR Doc. 84-15956 beginning on page 25302 in the issue of Wednesday, June 20, 1984, make the following corrections:

1. On page 25303, in the table, under the entry for "Arizona", in the "Product name", third line, "Supercide" should have read "Supracide", and in the fourth line, "Dowcil a-40" should have read "Dowcil A-450".

2. On the same page, under the entry for "California", in the "Product name", seventh line, "(0-11%)" should have read "(0.11%)".

3. On page 25305, under the entry for "Louisiana", in the "Product name," in the sixth, seventh and eighth lines. "Dowfune" should have read "Dowfume".

4. On page 25307, under the entry for "Wyoming", in the "Product name", "Cowcil" should have read "Dowcil".

BILLING CODE 1505-01-M

[OPTS-42041A]

1,3-Dioxolane; Decision To Adopt Negotiated Testing Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In the **Federal Register** of November 14, 1983, EPA announced a preliminary decision not to initiate rulemaking under section 4(a) of the Toxic Substances Control Act to require health effects testing of 1,3-dioxolane. This preliminary decision was made pending consideration of public comments on a testing proposal submitted to EPA by Ferro Corporation and PPG Industries for 1,3-dioxolane. No public comments were submitted in response to this testing proposal and no new information has come to light. As a result, the Agency finds no reason to alter its preliminary decision which was based on a determination that the Ferro and PPG testing program should provide sufficient data to reasonably determine or predict the health effects of 1,3-dioxolane which were of concern to the ITC.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, Toll Free: (800-424-9065), In Washington, D.C., (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: EPA has decided to adopt a negotiated testing program for 1,3-dioxolane in lieu of promulgating a test rule under section 4(a) of TSCA.

I. Background

In the **Federal Register** of November 14, 1983 (48 FR 51839), the Agency announced a preliminary decision not to propose a rule under section 4(a) of the Toxic Substances Control Act (TSCA) to require health effects testing of 1,3-dioxolane. This decision was based on the Agency's tentative acceptance of a testing proposal submitted by the Ferro Corporation (Ferro) and PPG Industries (PPG) for 1,3-dioxolane. The bases for EPA's preliminary decision not to initiate rulemaking under TSCA section 4(a), which were set forth in the November 14, 1983 **Federal Register** Notice are incorporated by reference.

A draft of the Ferro and PPG proposal, which contains the test protocols, was included in the public record (docket number OPTS-42041). At that time, the Agency requested comments on its proposed decision not to require testing of 1,3-dioxolane and on the proposed testing scheme.

II. Summary of Testing Program

The Ferro and PPG ("industry") proposal consists of testing which is designed to respond to the health effects concerns and tests recommended by the Interagency Testing Committee (ITC) for 1,3-dioxolane. Accordingly, the industry will perform a cell transformation test, an *in vitro* cytogenetics test and a test for gene mutations in mammalian cells in culture.

Further, the industry will conduct a comprehensive review of a 2-year drinking water chronic toxicity study on albino rats with 1,3-dioxolane, which was begun for PPG prior to the designation of 1,3-dioxolane by the ITC. This retrospective audit and review will be performed by an independent pathology laboratory.

Upon completion of the validation review of the chronic study and the first-tier mutagenicity tests, Ferro and PPG will meet with EPA scientists to discuss the interpretation of the test results and, if necessary, to develop additional testing plans for the future. Depending upon the results of the testing and the validation review, future testing could include initiation of subchronic toxicity studies, metabolism and toxicokinetic studies, advanced mutagenicity studies, and/or a full lifetime rodent bioassay. However, Ferro and PPG have advised EPA that, depending on the results of the first-tier mutagenicity tests, they may consider ceasing production of 1,3-dioxolane.

Ferro and PPG have submitted protocols for the mutagenicity testing. The Agency has reviewed these protocols and believes the studies should produce reliable and adequate data. In addition, the pathology laboratory which will conduct the retrospective audit of the 2-year chronic study for the dioxolane industry has submitted the procedure which they will follow in their review of this study. The procedure has been reviewed by the Agency and is found to be acceptable. Finally, Ferro and PPG have agreed to adhere to the TSCA Good Laboratory Practice Standards issued by the EPA as published in the **Federal Register** of November 29, 1983 (48 FR 53922).

The testing will be performed according to a prescribed schedule submitted by the industry and approved by the Agency. The cell transformation, cytogenicity, and gene mutation tests will begin within 60 days following publication of this notice and will be completed within four months after commencement. The final results of the mutagenicity tests will be submitted to the Agency as soon as they are available. The validation review of the chronic toxicity study will commence after the mutagenicity tests are completed. The final reports of all the tests and the review of the chronic toxicity study will be provided to the Agency within twelve months following publication of this notice.

III. Public Comment

The Agency received no public comments on EPA's proposed decision not to test 1,3-dioxolane or on Ferro and PPG's proposed testing program for this chemical.

IV. Final Decision

The EPA believes that the testing program and the review of the 2-year chronic study should provide sufficient information and data to reasonably

determine or predict the potential mutagenic and subchronic health effects of 1,3-dioxolane for which the ITC recommended testing. Therefore, EPA has decided not to propose a section 4(a) rule to require health effects testing of 1,3-dioxolane at this time. If, having evaluated the data developed during the negotiated testing program, the Agency determines that additional testing should be conducted, EPA reserves the right to propose a test rule to obtain the additional test data.

V. Public Record

EPA has established a public record for this decision not to pursue testing under section 4 (docket number OPTS-42041). This record includes:

(1) **Federal Register** notice designating 1,3-dioxolane to the priority list (47 FR 54626; December 3, 1982) and comments received thereon pertaining to 1,3-dioxolane.

(2) Records of Communications between EPA and the industry before submission of the industry testing proposal consisting of letters, contact reports of telephone conversations, and meeting summaries.

(3) Testing proposals and protocols.

(4) **Federal Register** notice requesting comment on the negotiated testing proposals and comments received in response thereto (48 FR 51839; November 14, 1983).

The record, containing the basic information considered by the Agency in developing its decision, is available for inspection from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays, in Rm. E-107, 401 M St., SW., Washington, D.C. 20460. The Agency will supplement this record periodically with additional relevant information received.

(Sec. 4, 90 Stat. 2003 (15 U.S.C. 2601))

Dated: August 2, 1984.

Alvin L. Alm,

Acting Administrator.

[FR Doc. 84-21257 Filed 8-9-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59162A/163A; TSH-FRL 2652-5]

Certain Chemicals; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of two applications for test marketing exemptions (TMEs) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-84-63 and TME-84-64. The test marketing conditions are described below.

EFFECTIVE DATE: August 6, 1984.

FOR FURTHER INFORMATION CONTACT: Candy Brassard, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-202, 401 M St. SW., Washington, D.C. 20460, (202-382-3480).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-84-63 and TME-84-64. EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the TME applications, and for the time periods and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volumes, numbers of workers exposed to the new chemicals, and the levels and durations of exposure must not exceed those specified in the applications. All other conditions and restrictions described in the applications and in this notice must be met.

TME 84-63.

Date of Receipt: June 28, 1984.

Notice of Receipt: July 13, 1984 (49 FR 28616).

Applicant: Confidential.

Chemical: (G) Urethane adduct.

Use: (G) Highly dispersive use as a component of an industrial coating material.

Production Volume: 28,458 kg.

Number of Customer: One.

Worker Exposure: Confidential.

Test Marketing Period: Two months.

Commencing on: August 6, 1984.

Risk Assessment: No significant health or environmental concerns were identified. The estimated worker exposure and environmental release of the test market substance are expected to be low. The test market substance will not pose any unreasonable risk of injury to health or the environment.

Public Comments: None.

TME 84-64.

Date of Receipt: June 29, 1984.

Notice of Receipt: July 13, 1984 (49 FR 28618).

Applicant: Confidential.

Chemical: (G) Fatty acid ester.

Use: (G) Obtain consumer acceptance of new laundry product and perform in-house lab testing and quality control.

Production Volume: Confidential.

Number of Customers: Confidential.

Worker Exposure: Confidential.

Test Marketing Period: One year.

Commencing on: August 6, 1984.

Risk Assessment: No significant health or environmental concerns were identified. The estimated worker exposure and environmental release of the test market substance are expected to be low. The test market substance will not pose any unreasonable risk of injury to health or the environment.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: August 6, 1984.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 84-21255 Filed 8-9-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-717-DR]

South Dakota; Amendment to Notice of a Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of South Dakota (FEMA-717-DR), dated July 19, 1984, and related determinations.

DATED: August 3, 1984.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

Note.—The notice of a major disaster for the State of South Dakota dated July 19, 1984,

is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 19, 1984:

Davison County for Public Assistance only.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Joseph A. Moreland,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 84-21227 Filed 8-9-84; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL RESERVE SYSTEM

Hartford National Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 31, 1984.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106.

1. *Hartford National Corporation*, Hartford, Connecticut: to acquire 100 percent of the voting shares of Rhode Island National Corporation, Hartford, Connecticut, the proposed parent of Rhode Island National Bank, Providence, Rhode Island, a *de novo* bank.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Merchants & Planters Bancshares, Inc.*, Toone, Tennessee: to become a bank holding company by acquiring 100 percent of the voting shares of Merchants & Planters Bank, Toone, Tennessee.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Crockett Banchsares, Inc.*, Crockett, Texas: to become a bank holding company by acquiring 100 percent of the voting shares of The Crockett State Bank, Crockett, Texas.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *D.P. Financial Corporation*, Walnut Creek, California: to become a bank holding company by acquiring 100 percent of the voting shares of Delta Pacific Bank, Pittsburg, California.

Board of Governors of the Federal Reserve System, August 6, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-21238 Filed 8-9-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Office of Information Resources Management

Federal Telecommunications Standards

AGENCY: Office of Information Resources Management, General Services Administration.

ACTION: Notice for comment on proposed standard.

SUMMARY: The purpose of this notice is to solicit the views of Federal agencies, industry, the public, and State and local governments on the adoption of Proposed Interim Federal Telecommunications Standard (INT-FED-STD), INT-FED-STD 1031, "Telecommunications: General Purpose 37-position and 9-position Interface Between Data Terminal Equipment and Data Circuit-terminating Equipment", which adopts Electronic Industries Association (EIA) Standard RS-449.

DATE: Comments are due on or before November 8, 1984.

ADDRESS: Send comments to the Office of Technology and Standards, National Communications System, Washington, DC 20305-2010.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Greene, National Communications System, telephone (202) 692-2124.

SUPPLEMENTARY INFORMATION: 1. The General Services Administration (GSA) is responsible under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the Administrator of General Services Administration designated the National Communications System (NCS) as the responsible agent for the development of Federal telecommunication standards for NCS interoperability and the computer-communication interface.

2. Prior to the adoption of proposed Federal standards, it is important that proper consideration be given to the needs and views of Federal agencies, industry, the public, and State and local governments.

3. An "interim Federal standard" is a voluntary Federal standard issued in temporary form for optional use by Federal agencies. This optional standard may be used by Federal agencies in the design and procurement of DTEs and DCEs used in data communication applications over analog telecommunication networks.

4. Request for copies of the Proposed INT-FED-STD 1031 should be directed to the National Communications System, Office of Technology and Standards, Washington, DC 20305-2010.

Dated : August 3, 1984.

Frank J. Carr,

Assistant Administrator, Office of Information Resources Management.

[FR Doc. 84-21284 Filed 8-9-84; 8:45 am]

BILLING CODE 6820-25-M

Federal Telecommunication Standards

AGENCY: Office of Information Resources Management, General Services Administration.

ACTION: Notice for comment on proposed standard.

SUMMARY: The purpose of this notice is to solicit the views of Federal agencies, industry, the public, and State and local Governments on Federal Telecommunication Standards (FED-STD) proposed for adoption: FED-STD 1018, "Telecommunications: Interface Between Data Circuit-terminating Equipment and the U.S. Public Switched Telephone Network", which adopts Electronic Industries Association (EIA) Standard RS-496.

DATE: Comments are due on or before November 8, 1984.

ADDRESS: Comments may be sent to the Office of Technology and Standards, National Communications System, Washington, DC 20305–2010.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Fenichel, National Communications System, telephone (202) 692–2124.

SUPPLEMENTARY INFORMATION: 1. The General Services Administration (GSA) is responsible under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the Administrator of General Services designated the National Communications System (NCS) as the responsible agent for the development of Federal telecommunication standards for NCS interoperability and the computer-communciation interface.

2. Prior to the adoption of proposed Federal standards, it is important that proper consideration be given to the needs and views of Federal agencies, industry, the public, and State and local governments.

3. Request for copies of the Proposed Draft FED–STD 1018 should be directed to the National Communication System, Office of Technology and Standards, Washington, DC 20305–2010.

Dated: July 30, 1984.

Frank J. Carr,

Assistant Administrator, Office of Information Resources Management.

[FR Doc. 84–21266 Filed 8–9–84; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on August 3.

PUBLIC HEALTH SERVICE

Health Resources and Services Administration

Subject: Assessment of Training in Geriatrics in Health Professions Schools—New Collection
Respondents: Colleges and universities
OMB Desk Officer: Fay S. Iudicello

Office of the Assistant Secretary for Health

Subject: Directory of On-Going Research in Smoking and Health (0937–0102)—Reinstatement
Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello

National Institutes of Health

Subject: Drug Accountability Record—New Collection
Respondents: Researchers
OMB Desk Officer: Fay S. Iudicello

Food and Drug Administration

Subject: Product License Application for the Manufacture of Blood Grouping Sera (0910–0061)—Extension/No Change
Respondents: Manufacturers of blood grouping sera
Subject: Labeling—Foods and Cosmetics—Existing Collection
Respondents: Businesses
OMB Desk Officer: Bruce Artim

Centers for Disease Control

Subject: O-Dianisidine and O-Tolidine Dye Worker Exposure Study—New Collection
Respondents: Individuals and businesses
Subject: Case Control Study of Lung Cancer in the Teamsters Union—New Collection
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Application for Retirement Insurance Benefits (0960–0007)—Revision
Respondents: All applicants for retirement insurance benefits
OMB Desk Officer: Robert J. Fishman

Office of the Secretary

Subject: Evaluation of the Effectiveness and efficiency of Workplace Health Enhancement Programs—New Collection
Respondents: Individuals
OMB Desk Officer: Robert J. Fishman

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer).

Dated: August 2, 1984.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84–21010 Filed 8–9–84; 8:45 am]

BILLING CODE 4150–04–M

Centers for Disease Control

Immunization Practices Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Date: September 10, 1984.

Place: Conference Room 207, Centers for Disease Control 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: Jeffrey P. Koplan, M.D. Executive Secretary of Committee Centers for Disease Control (1–2047) 1600 Clifton Road, NE. Atlanta, Georgia 30333 Telephones: FTS 236–3751 Commercial: 404/329–3751

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.

Agenda: The Committee will discuss poliovirus vaccines, hepatitis B vaccine for travellers, pertussis and pertussis vaccines, varicella-zoster vaccine, and Japanese B encephalitis vaccine; review the recommendations on immune globulins for protection against viral hepatitis; discuss *Haemphilus influenzae* type b polysaccharide vaccine; hear reports of meetings attended by representatives of the Committee; and consider other matters of relevance among the Committee's objectives.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: August 3, 1984.

James O. Mason,

Director, Centers for Disease Control.

[FR Doc. 84–21202 Filed 8–9–84; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

Burns-Biotec's P.O.P.® (Oxytocin) Injection; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug

application (NADA) sponsored by Burns-Biotec Laboratories, Inc., which provides for obstetrical use of an oxytocin injection in animals. The sponsor requested the withdrawal of approval.

EFFECTIVE DATE: August 20, 1984.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Center for Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1846.

SUPPLEMENTARY INFORMATION: Burns-Biotec Laboratories, Inc., 8530-8536 K St., P.O. Box 3113, Omaha, NE 68103, is sponsor of NADA 9-055 which provides for obstetrical use of P.O.P.® (oxytocin) injection in mares, cows, sows, ewes, dogs, and cats, and for milk let-down in cows and sows.

The application was originally approved August 5, 1953. By letter of April 30, 1984, the sponsor requested withdrawal of approval of the NADA because the product is not currently being manufactured or marketed, nor does the firm have future plans to do so. In addition, the firm waived an opportunity for a hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 9-055 and all supplements for P.O.P. (oxytocin) Injection is hereby withdrawn, effective August 20, 1984.

In a final rule published elsewhere in this issue of the **Federal Register**, that portion of the regulations reflecting approval of this NADA is removed.

Dated: August 2, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84-21207 Filed 8-9-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84N-0206]

Clinical Studies of the Effect of Lithium and Phenytoin in Violent Patients; Research Grant

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration's (FDA) Office of Orphan Products Development is announcing the availability of funds for Fiscal Year 1985 for awarding a grant(s) to support a randomized double-blind placebo-controlled study of lithium and phenytoin in adult patients who manifest episodes of extreme violence and aggressiveness. FDA has approximately $250,000 available to award a grant(s) to support this research in Fiscal Year 1985. FDA anticipates that one or two awards will be made. Support for this program may be for a period of up to 3 years.

DATES: Applications must be received by 5 p.m. on November 1, 1984. The earliest date for award is February 1, 1985.

ADDRESS: Applications should be submitted to, and application kits are available from, Kathryn McKnight, Grants and Assistance Agreements Section (HFA-522), Food and Drug Administration, Rm. 12A-27, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6170.

FOR FURTHER INFORMATION CONTACT: Benjamin P. Lewis, Office of Orphan Products Development (HF-35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4903.

SUPPLEMENTARY INFORMATION: FDA will support the clinical study covered by this notice under section 301 of the Public Health Service Act (42 U.S.D. 241). FDA's research program is described in the Catalog of Federal Domestic Assistance No. 13.103.

I. Background

FDA has established an Office of Orphan Products Development to identify and facilitate the availability of orphan products. Orphan products are drugs, biologics, medical devices (including in vitro diagnostics), foods for medical purposes, and veterinary products that may be useful in an uncommon or common disease but lack committed commercial sponsorship because they are not considered commercially attractive for marketing. A subcategory of orphan products consists of those marketed products for which there is evidence suggesting usefulness in a serious disease but which are not labeled for that disease because substantial evidence is lacking.

One way to make orphan products more easily available is to support research to determine whether the products are safe and effective. FDA has allocated funds to support such research.

There is some evidence that certain patients who exhibit extreme aggressiveness and perpetrate acts of a violent nature toward people and/or property improve when they receive the marketed drugs, lithium and phenytoin. Such patients have been notoriously difficult to treat successfully. Psychotherapy and major and minor tranquilizers have often proved inadequate. In reported instances of success with lithium or phenytoin, the success appears to depend upon the degree to which a reasonably homogeneous patient population is recruited and studied. For example, several studies have shown an antiaggressive effect of lithium in primarily nonpsychotic prisoners. Lithium has also been shown to reduce aggression in patients with bipolar illness. Phenytoin has been reported to reduce acts of violence in patients carefully screened for the characteristics of intermittent explosive disorder (formerly "episodic dyscontrol") and to reduce anger and hostility in patients with anxiety disorer who were screened for the presence of these symptoms. By contrast, phenytoin has yielded mixed or negative results in violence schizophrenic patients and in those with anxiety disorder who were not prescreened for the presumptively relevant accompanying symptoms.

There are few controlled studies in adult patients who exhibit extreme acts of violence because of the difficulty of performing meaningful studies. This is understandable in view of the fact that violence can occur in patients with a variety of psychiatric diagnoses and in both epileptics and nonepileptics; in addition, episodes are influenced by environmental and social factors that are largely uncontrollable.

II. Research Goals and Objectives

A. Study Design

The study design should be directed to the determination of whether, in nonpsychotic, nonepileptic adult patients who commit frequent acts of violence toward property and/or people, phenytoin and lithium are more effective than placebo in reducing the number and severity of such acts. If feasible, the study should also attempt to discern whether one drug is more effective than the other and what types of patients are more likely to respond. "Frequent" acts of violence, for the purpose of the study, are defined as a serious injury at least once every 1 to 3 months with minor problems in between. The study should include patients diagnosed as having intermittent explosive disorder as well as those with other types of violence, except that certain types of violence that are less likely to respond to these drugs should be excluded, such as delusional, conscious-exploitive, etc. Consideration should be given to whether it is most appropriate to include

only patients who have failed to respond to psychotherapy and major or minor tranquilizers. Patients should not take concomitant central nervous system drugs during the study. Although patients with clinical seizures should be excluded, patients with other indications of brain injury on psychological tests, electroencephalogram, or neurological evaluation may be acceptable. Paramount to the success of the study is the ability to assure reliable reporting of violent acts and their nature. Therefore, it is important to consider whether the study would be more appropriately performed in an inpatient rather than an outpatient setting. If females are included, they should be beyond childbearing age or not capable of becoming pregnant.

B. Statistical Support

Statistical expertise is mandatory in the planning, design, and analysis of the study to ensure the validity of estimates of efficacy obtained from the study. Applicants will be expected to provide a statistical basis for the number of patients chosen for the trial based upon the proposed outcome measures. Applicants should also document the appropriateness of the statistical procedures to be used in analysis of the results.

C. Informed Consent of Human Subjects

Consent and/or assent forms and any additional information that might be given to a subject must accompany the grant submission (Form PHS 398). Information that is given to the subject shall be in language understandable to the subject. No informed consent may include any exculpatory language through which the subject waives any of the subject's legal rights, or releases, or appears to release, the investigator, the sponsor, the institution, or its agents from liability for negligence.

D. Elements of Informed Consent (21 CFR 50.25)

1. *Basic elements of informed consent.* In seeking informed consent, the following information shall be provided to each subject:

i. A statement that the study involves research, an explanation of the purposes of the research and the expected duration of the subject's participation, a description of the procedures to be followed, and identification of any procedures which are experimental.

ii. A description of any reasonably foreseeable risks or discomforts to the subject.

iii. A description of any benefits to the subject or to others which may reasonably be expected from the research.

iv. A disclosure of appropriate alternative procedures or courses of treatment, if any, that might be advantageous to the subject.

v. A statement that describes the extent, if any, to which confidentiality of records identifying the subject will be maintained and that notes the possibility that the Food and Drug Administration may inspect the records.

vi. For research involving more than minimal risk, an explanation as to whether any compensation and any medical treatments are available if injury occurs and, if so, what they consist of, or where further information may be obtained.

vii. An explanation of whom to contact for answers to pertinent questions about the research subjects' rights, and whom to contact in the event of a research-related injury to the subject.

viii. A statement that participation is voluntary, that refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and that the subject may discontinue participation at any time without penalty or loss of benefits to which the subject is otherwise entitled.

2. *Additional elements of informed consent.* When appropriate, one or more of the following elements of information shall also be provided to each subject:

i. A statement that the particular treatment or procedure may involve risks to the subject which are currently unforeseeable.

ii. Anticipated circumstances under which the subject's participation may be terminated by the investigator without regard to the subject's consent.

iii. Any additional costs to the subject that may result from participation in the research.

iv. The consequences of a subject's decision to withdraw from the research and procedures for orderly termination of participation by the subject.

v. A statement that significant new findings developed during the course of the research which may relate to the subject's willingness to continue participation will be provided to the subject.

vi. The approximate number of subjects involved in the study.

The informed consent requirements are not intended to preempt any applicable Federal, State, or local laws which require additional information to be disclosed for informed consent to be legally effective.

Nothing in the informed consent regulations is intended to limit the authority of a physician to provide emergency medical care to the extent the physician is permitted to do so under applicable Federal, State, or local law.

III. Reporting Requirements

Financial status reports will be required at the end of each budget period. The progress reports required under a grant award (45 CFR Part 74) are to be provided by the principal investigator.

IV. Mechanism of Support

A. Award Instrument

Support will be in the form of a grant award. This award will be subject to all policies and requirements that govern the research grant programs of the Public Health Service including the provisions of 42 CFR Part 52, 45 CFR Part 74, and requirements for cost sharing.

B. Eligibility

This grant is available to any public or private nonprofit entity (including State and local units of government) and any for-profit entity.

C. Length of Support

The length of support will be for a period of 2 or 3 years, based upon the study design and the rate of patient accrual. Continuation of support beyond the first year, however, will be based upon review of performance during the preceding year and availability of funds.

D. Funding

The number of grants awarded will depend upon the quality of the applications received. Due to the limited funds, FDA anticipates that only one or two applications will be funded.

V. Review Procedure and Criteria

A. Review Methods

Applications will undergo initial review by experts in the field. The experts will review and evaluate each application based on its scientific merit. The applications will be subject to a second-level review based on their relevance to the aims of the Orphan Products Development Program.

B. Review Criteria

Applications must be responsive to this request for applications. Those judged not to be responsive will be forwarded to the Division of Resarch Grants, National Institutes of Health, for review and consideration as unsolicited applications. Applications that are judged to be unresponsive will not be considered for funding under this RFA.

Applications will be reviewed according to the following criteria:

1. Potential contributions to the field in areas covered by the objectives and scope of this RFA;
2. Adequacy of the conceptual and theoretical framework for the research;
3. Evidence of familiarity with relevant research literature;
4. Scientific merit of the research design, approaches, and methodology;
5. Adequacy of the data analysis plan;
6. Qualifications and experience of the investigative team;
7. Adequacy of the existing and proposed facilities and resources;
8. Appropriateness of the budget, staffing plan, and time frame to complete the project; and
9. Adequacy of proposed procedures for protecting human subjects.

IV. Format for Application

Applications must be submitted on Form PHS 398, Application for Public Health Service Grant. The face page of the application must reflect the RFAnumber RFA–FDA–OP–84–2. To ensure confidentiality of individual salary information, applicants may choose to include that information on the original application only. In that case, all copies of the application should reflect only a total amount for salaries and fringe benefits. No action will be taken by the funding agency to delete confidential information. Data included in the application, if restricted with the legend specified below, may be entitled to confidential treatment as trade secret or confidential commercial information within the meaning of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and the regulations of the Food and Drug Administration implementing that act (21 CFR 20.61).

The collection of information requested on the PHS Form 398 and the instructions have been submitted by the Public Health Service to the Office of Management and Budget (OMB), and were approved and assigned OMB control number 0925–0001.

Legend

Unless disclosure is required by the Freedom of Information Act as amended (5 U.S.C. 552), as determined by the freedom of information offficials of the Department of Health and Human Services, data contained in the portions of the application which have been specifically identified by page number, paragraph, etc., by the applicant as containing restricted information shall not be used or disclosed except for evaluation purposes.

The original and six copies of the completed application should be delivered to, and applications kits are available from, Kathryn McKnight (address above).

Label the outside of the mailing package and the top of the application face page "Response to RFA–FDA–OP–84–2."

Applications must be received by 5 p.m. on November 1, 1984. Applications received after that time will be considered only if they arrive in time to permit orderly processing. Aplications received too late for orderly processing will be referred to the Division of Research Grants, National Institutes of Health, for review as unsolicited applications.

Dated: August 6, 1984.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 84-21339 Filed 8-8-84; 11:18 am]

BILLING CODE 4160-01-M

Public Health Service

Statement of Organization, Functions and Delegations of Authority; Office of the Assistant Secretary for Health

Part H, Public Health Service (PHS), Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (DHHS) (42 FR 61318, December 2, 1977, as amended most recently at 49 FR 18625, May 1, 1984), is amended to reflect the establishment of the Office of State and Local User Liaison in the National Center for Health Services Research, Office of the Assistant Secretary for Health.

Under Part H, Chapter HA, Office of the Assistant Secretary for Health (OASH), Section HA–20 Functions, following the statement for the *Office of Health Technology Assessment (HAR14)* insert the following:

Office of State and Local User Liaison (HAR15)

Provides the professional expertise required by the Center to address the issues, problems, and information needs of State and local leaders responsible for policymaking that effects the planning, management, delivery and financing of health services. Specifically: (1) Develops syntheses of research findings focused on particular issues dealing with policy concerns and operational problems; (2) plans and conducts workshops and seminars to explore causes of health care delivery and financing problems and to share, identify and discuss options for dealing with these problems; (3) maintain liaison with State and local government organizations and with the research community and communicates to the Office of Program Development information which may impact on the Center's research plan and priority setting process; (4) formulates in collaboration with Center staff appropriate policies and activities to develop effective linkages with potential users of health service research; (5) communicates information regarding user research needs to Center Director and appropriate Center staff to assure user needs are adequately addressed in current and planned Center intramural and extramural projects; (6) develops and implements mechanisms to identify and contact potential users; (7) plans meetings and coordinates contacts between Center staff and individual users and representatives of users groups and organizations; (8) provides assistance and advice to other Federal agencies and organizations in evalaüting utility of Federally-supported research to State and local government officials.

Effective Date: July 16, 1984.

Edward N. Brandt Jr.,

Assistant Secretary for Health.

[FR Doc. 84-21250 Filed 8-9-84; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Department of the Interior Performance Review Board Appointments

AGENCY: Department of the Interior.

ACTION: Notice of changes in Performance Review Board Membership.

SUMMARY: This notice provides the names of replacement individuals to serve on three of the Department of the Interior Performance Review Boards. The publication of these appointments is required by Section 405(a) of the Civil Service Reform Act of 1978 (Pub. L. 95–454; 5 U.S.C. 4314(c)(4)).

DATE: These appointments are effective on August 10, 1984.

FOR FURTHER INFORMATION CONTACT: Morris A. Simms, Director of Personnel, Office of the Secretary, Department of the Interior, 1800 C Street NW., Washington, DC 20240, Telephone Number: 343–6761.

Department of the Interior Performance Review Boards (PRB's) Corrected as of August 1, 1984.

Departmental PRB

Ann D. McLaughlin, Chairperson
William Klostermeyer (Career)
David Brown (NC)
Theodore Krenzke (Career) (replaces Sidney Mills)
F. Eugene Hester (Career)

Assistant Secretary-Indian Affairs PRB

Stanley Speaks (Career, Field), Chairperson (replaces Theodore Krenzke)
William P. Ragsdale (Career, Field) (replaces Richard Balsiger)
Earl Barlow (Career, Field) (replaces Maurice Babby)
Charles B. Hughes (Career) (replaces Richard Whitesell)

Solicitor PRB

Marion B. Horn (NC) Chairperson
Maurice Ellsworth (NC)
W. Pierce Elliott (Career) (relaces John M. Allen)
Raymond F. Sanford (Career, Field)
Ruth G. VanCleve (Career)

Dated: August 2, 1984.

Richard R. Hite,

Deputy Assistant Secretary-Policy, Budget and Administration.

[FR Doc. 84-21275 Filed 8-9-84; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

[OR 18773]

Oregon; Conveyance of Public Lands: Order Providing for Opening of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 6,904.17 acres of public lands out of Federal ownership. This action will also open 9,623.58 acres of reconveyed land to surface entry.

EFFECTIVE DATE: September 17, 1984.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr. (Telephone 503-231-6905), Oregon State Office, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that in an exchange of lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, a patent has been issued transferring 6, 904.17 acres of lands in Harney County, Oregon from Federal to private ownership. The geothermal steam and associated geothermal resources in the following described lands have been reserved to the United States:

Willamette Meridian

T. 36 S., R. 36 E.,
Sec. 8;
Sec. 18;
Sec. 20;
Sec. 30;
Sec. 32.
T. 37 S., R. 36 E.,
Sec. 6;
Sec. 8;
Sec. 18, lots 1 and 2, E½NW¼, and NE¼;
Sec. 22, E½;
Sec. 26, W½W½;
Sec. 35.

The areas described aggregate 5,922.05 acres in Harney County, Oregon.

2. In the exchange, the following described lands have been reconveyed to the United States:

Willamette Meridian

T. 32 S., R. 25 E.,
Sec. 36.
T. 35 S., R. 34 E.,
Sec. 7, lots 3 and 4, and E½SW¼;
Sec. 9, S½NE¼, NE¼NW¼, SW¼NW¼, and S½;
Sec. 11, S½SE¼, SE¼SW¼, and NW¼SW¼;
Sec. 13, NW¼NE¼, SE¼NE¼, SE¼, S½SW¼, NW¼SW¼, and NW¼;
Sec. 15, W½;
Sec. 21;
Sec. 23, N½ and SW¼;
Sec. 25;
Sec. 27, S½ and NW¼;
Sec. 31, lots 1, 2, 3, and 4, E½W½, and NE¼;
Sec. 33, W½ and SE¼;
Sec. 35.
T. 36 S., R. 34 E.,
Sec. 3;
Sec. 5, lots 1, 2, 3, and 4, SE¼NE¼, SE¼NW¼, and S½;
Sec. 9, N½NE¼ and NW¼NW¼.
T. 35 S., R. 35 E.,
Sec. 17, SW¼SE¼ and SW¼SW¼;
Sec. 19.
T. 36 S., R. 35 E.,
Sec. 5, SE¼;
Sec. 23, NE¼.
T. 35 S., R. 36 E.,
Sec. 31, lot 4.
T. 37 S., R. 36 E.,
Sec. 27, NE¼NE¼, NW¼SW¼, and SW¼NW¼;
Sec. 28, E½NE¼;
Sec. 34, SE¼NW¼, NE¼SW¼, and S½SW¼.
T. 38 S., R. 38 E.,
Sec. 19, lot 4 and E½SW¼;
Sec. 21, E½SE¼;
Sec. 22, SW¼SW¼;
Sec. 27, N½NW¼, SE¼NW¼, SW¼NE¼, NW¼SE¼, and SE¼SE¼;
Sec. 30, lot 1;
Sec. 34, NE¼NE¼;
Sec. 35, W½W½.
T. 39 S., R. 38 E.,
Sec. 2, lot 4.

The areas described aggregate 9,623.58 acres in Harney County, Oregon.

3. The mineral estate in the lands described in paragraph 2 is not in United States ownership and will not be opened to operation of the United States mining laws and mineral leasing laws.

4. At 8:30 a.m., on September 17, 1984, the lands described in paragraph 2 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on September 17, 1984, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Dated: August 1, 1984.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-21273 Filed 8-9-84; 8:45 am]

BILLING CODE 4310-33-M

Draft Environmental Impact Statement on the Wilderness Suitability Recommendations for Four Wilderness Study Areas in Big Horn and Park Counties, Worland District, WY; Availability and Public Hearing Schedule

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Draft Environmental Impact Statement and Public Hearing Schedule.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, has prepared a draft environmental impact statement on the wilderness sutiability recommendations for public lands in Big Horn and Park Counties, Wyoming, and has made copies of the document available for public review and comment. The statement addresses recommendations for four wilderness study areas covering 74,840 acres of public land in north-central Wyoming.

In addition, notice is also given that public hearings will be held to seek public comment on the impacts of the proposed action and three alternatives as explained in the document.

DATES: Written comments on the analysis and recommendations contained in the DEIS will be accepted up to and including November 16, 1984, at the Worland District Office in Worland, Wyoming. Public hearings will be held in Worland on September 18, 1984, at the Worland High School little theater at 7:30 p.m., and on September

19 at the Cody Convention Center at 7:30 p.m.

ADDRESSES: Written comments on the analysis and recommendations in the document are to be addressed to: Worland District Office, Bureau of Land Management, P.O. Box 119, Worland Wyoming 82401.

The DEIS is available for inspection at the Worland District Office, Cody Resource Area, P.O. Box 518, Cody Wyoming 82414, and the Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003.

SUPPLEMENTARY INFORMATION: The DEIS analyzes environmental impacts that would result from managing the four study areas for resource values other than wildness. The statement further analyzes each of four alternatives to that proposal. The alternatives are the no action alternative (no wilderness), all wilderness alternative (maximize wilderness), a wilderness manageability alternative, and a conflict reduction alternative.

Oral testimony will be accepted at the public hearings. A 10-minute limitation will be enforced by the Hearing Officer if necessary. Written texts of prepared speeches may be filed at the hearings whether or not the speaker has been able to complete oral delivery in the allotted 10 minutes.

Speakers will be heard in the order established on the wilderness register. After the last registered witness has been heard, the presiding officer will consider the request of any other person present who desires to testify. Any person present at the hearing may testify; however, only one witness will be allowed to represent the viewpoints of an organization.

Persons wishing to testify may preregister by submitting a written request to the Worland District Office of the Bureau of Land Management at the above address prior to close of business (4:30 p.m., MST) on September 18, 1984. Requests should identify the organization represented by the individual, if any, and should be signed by the prospective witness. Individual who do not preregister may register at either hearing location prior to and during the hearing.

Comments on the DEIS, whether written or oral, will receive equal consideration in the preparation of a final environmental impact statement.

P.D. Leonard,

Associate State Director, Wyoming.

[FR Doc. 84-20866 Filed 8-9-84; 8:45 am]

BILLING CODE 4310-22-M

[AA-52803]

Alaska; Proposed Withdrawal and Opportunity for Public Meeting

On November 21, 1983, the U.S. Forest Service filed an application to withdraw the following described lands, which lie within the Tongass National Forest from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, to allow the parcel to be considered for an exchange with Goldbelt, Incorporated.

Copper River Meridian

T. 36 S., R. 63 E.,

Sec. 28, metes and bound tract, unsurveyed, described as follows: Commencing at the northwest section corner of section 28, thence N. 90°00'00" E., a distance of 1,043.79' to the NE corner; thence S. 00°00'00" E., a distance of 2,640.00' to the SE corner; thence S. 90°00'00" W., a distance of 1,043.79' to the W¼ corner of sections 28 and 29; thence N. 00°00'00" W., a distance of 2,640.00' along the section line of section 28 to the true point of beginning.

The area described contains approximately 63 acres.

The purpose of the withdrawal is to prevent all forms of encumbrance pending the completion of an exchange with Goldbelt Incorporated.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of begin heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled, or the withdrawal is approved prior to that date.

The temporary segregation of the lands in connection with a withdrawal application or proposal shall not affect administrative jurisdiction over the lands.

All communications in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Mary Jane Clawson,

Chief, Branch of Lands.

[FR Doc. 84-21239 Filed 8-9-84; 8:45 am]

BILLING CODE 4310-JA-M

Arcata and Clear Lake Resource Areas—Realty Action for the Exchange of Public Lands in Mendocino County, CA; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, exchange of public lands (CA-15867); correction.

SUMMARY: This document corrects a Notice of Realty Action for an exchange of public lands that appeared on page 25045 in the **Federal Register** of Tuesday, June 19, 1984, (49 FR 25045). The action is necessary to correct a typographical error in the legal description for a parcel of land described on page 25045 at the bottom of the third column as T. 12 S., R. 37 E., Protraction Diagram No. 71, Sec. 36, All. Accordingly, the legal description is corrected to read: T. 12 S., R. 37 E., Protraction Diagram No. 71, Sec. 16, All.

FOR FURTHER INFORMATION CONTACT: The Bureau of Land Management's California State Office, 2800 Cottage Way, Room 2841, Sacramento, California 95825, or the Ukiah District Office, 555 Leslie Street, Ukiah, California 95482.

Dated : August 2, 1984.

Richard M. Barber,

Acting Deputy State Director, Lands and Renewable Resource.

[FR Doc. 84-21241 Filed 8-9-84; 8:45 am]

BILLING CODE 4310-40-M

Coos Bay District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of Coos Bay District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Coos Bay District Advisory Council will be

held on Thursday and Friday, September 13 and 14, 1984, beginning at 1:00 p.m. Thursday, with a field trip to the Coos Bay North Spit. The Friday portion of the meeting will be held in the conference room of the Coos Bay District Office, 333 South Fourth Street, Coos Bay, Ore., beginning at 8:00 a.m.

Agenda

The agenda for the meeting will include:

1. A discussion of old business.
2. A tour of the BLM-managed lands on the Coos Bay North Spit and discussion of the North Spit Planning Amendment, currently in a public comment period.
3. A discussion among council members to develop a recommendation to the District Manager concerning the plan.
4. Arrangements for the next meeting.

The meeting is open to the public and news media. Interested persons may make oral statements to the council from 8:00 a.m. to 8:30 a.m. on Friday, or file written statements for the council's consideration. Anyone wishing to make an oral statement must notify the District Manager by close of business on Friday, August 31, 1984 (Telephone 503–269–5880).

ADDRESS: Bureau of Land Management, Coos Bay District Office, 333 South Fourth Street, Coos Bay, OR 97420.

Summary minutes of the meeting will be maintained at the District Office and made available during regular business hours (7:45 a.m. to 4:30 p.m.) for public inspection or reproduction at the cost of duplication.

Dated: August 3, 1984.

Robert T. Dale,

District Manager.

[FR Doc. 84-21276 Filed 8-9-84; 8:45 am]

BILLING CODE 4310-33-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Conoco Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the Grand Isle/CATCO Federal Unit Agreement No. 14–08–0001–2021, submitted on July 30, 1984, a proposed supplemental Development Operations Coordination Document describing the activities it proposes to conduct on the Grand Isle/CATCO Federal unit.

The purpose of this notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 2, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-21274 Filed 8-9-84; 8:45 am]

BILLING CODE 4310-MR-M

Open Forum Meeting Relative to the Minerals Management Service Standard, Outer Continental Shelf, T 1, Well-Control Training Certification Program

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Minerals Management Service (MMS) announces an open forum meeting relating to the Minerals Management Service Standard, Outer Continental Shelf, T 1 (MMSSOCS–T 1), well-control training certification program. The meeting is scheduled for August 28, 1984, from 8:30 a.m. to 4:30 p.m., at the U.S. Geological Survey, 12201 Sunrise Valley Drive, National Center Auditorium (Room 1C100), Reston, Virginia 22092. The meeting will provide an opportunity to discuss the current program, provide industry with information relative to current MMS program policy, obtain input from industry on methods to improve the program from both a technical and an administrative viewpoint, and establish a more effective line of communication by enabling our people involved in the program to become personally acquainted with those of you involved in the well-control program. The meeting will be informal in nature with an open exchange and discussion of program issues between the MMS and industry representatives.

DATE: Please notify MMS (703–860–7506) by August 15, 1984, if you plan to attend. Also, please provide us with any subject items you would like to discuss at the meeting.

ADDRESS: Please submit your items to: Deputy Associate Director for Offshore Operations, Minerals Management Service, Mail Stop 647, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Mr. Billy J. Shoger, Chief, Branch of Monitoring and Penalties; Minerals Management Service; 12203 Sunrise Valley Drive; MS 647; Reston, Virginia 22091; telephone 703–860–7506.

Dated: August 3, 1984.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 84-21218 Filed 8-9-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Availability of Plan of Operations and Environmental Analysis for the Purpose of Drilling the Exploratory Oil/Natural Gas Well No. 1; Corpus Christi Oil and Gas Company, Padre Island National Seashore, TX

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Corpus Christi Oil and Gas Company a Plan of Operations for the purpose of drilling the Exploratory Oil/Natural Gas Well No. 1 within the Laguna Madre Area, State Tract 233, Padre Island National Seashore, Kenedy County, Texas.

The Plan of Operations and Environmental Analysis are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas 78418. Copies of the document are available from Padre Island National Seashore and will be sent, upon request, to individuals or groups at a charge of $3.40 per copy, pursuant to the Freedom of Information Act. The document is 34 pages in length.

Dated: August 3, 1984.

Donald A. Dayton,

Acting Regional Director, Southwest Region.

[FR Doc. 84-21251 Filed 8-9-84; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Freeman Diversion Improvement Project, United Water Conservation District, Ventura County, CA; Rescheduled Scoping Meeting and Intent To Prepare a Joint Environmental Impact Statement-Environmental Impact Report

The scoping meeting previously scheduled for August 1, 1984, at 7 p.m. in the Oxnard Civic Center (49 FR 27834, July 6, 1984) has been cancelled. The meeting is rescheduled for September 12, 1984, at 7 p.m. in the Ventura Room of the Oxnard Civic Center, 800 Hobson Way, Oxnard, California, 93030. The scoping meeting will solicit public input to determine alternatives to the proposed project, the scope of the EIS–EIR, and the significant issues related to the proposed action. Those persons intending to speak should attempt to limit their remarks to 10 minutes duration. More extensive comments should be presented in writing by September 21, 1984, to the Bureau of Reclamation at the address provided below.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (as amended) and section 21002 of the California Environmental Quality Act, the Bureau of Reclamation, Department of the Interior, and the United Water Conservation District intend to prepare a joint environmental impact statement-environmental impact report (EIS–EIR). The EIS–EIR will address the impacts from construction and operation of the Freeman Diversion Improvement Project for which a Public Law 84–984 loan application is pending with the United States Bureau of Reclamation

The purpose of the proposed project is to protect the historic diversion of water and to permit additional diversion of water from the Santa Clara River during high river flow conditions. The additional water would be used to reduce the current ground-water overdraft and related water intrusion into aquifers of the Oxnard Plain. This overdraft is occasioned by agricultural, municipal and industrial uses. The proposed project will consist of a 1,200 foot-long overflow-type diversion structure, a 3,300 foot-long conveyance canal and a desilting basin covering 70 acres. The Freemen Diversion Structure would be located about 2.5 miles upstream from the Los Angeles Avenue Bridge (Highway 118), between the community of Saticoy and the city of Santa Paula, about 7 miles northeast of the city of Oxnard.

Alternatives presently under consideration incude other diversion structure locations and designs, the use of a diversion canal without a diverison structure, purchase and importation of water from the California State Water Project, and pumping ground water from the Fox Canyon aquifer. An environmental assessment was prepared for the proposed project in February 1984. Issues which were identified in the assessment and in subsequent comments include the impacts of the project on anadromous fish, riparian habitat, sand and gravel resources and water quality. These and other issues identified during the scoping process will be addressed in the EIS–EIR.

Portions of the proposed site for the Freeman Diversion Improvement Project are within flood plain and wetland areas. Accordingly, the objectives and requirements of Presidential Executive Orders 11988 and 11990, and the Reclamation Instructions, Chapter 376.5, will be considered throughout the planning and preparation of the EIS–EIR. As a joint document, the EIS–EIR will meet the requirements of both the National Environmental Policy Act and the California Environmental Quality Act.

The Federal contact person for this draft EIS–EIR will be Mr. Roderick M. Hall, Regional Environmental Quality Officer, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484–4792.

The United Water Conservation District contact person will be G. I. Wilde, General Manager and Chief Engineer, United Water Conservation District, P.O. Box 432, Santa Paula, California 93060.

Dated: August 6, 1984.

Richard Atwater,

Acting Commissioner.

[FR Doc. 84-21201 Filed 8-9-84; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-19 (Sub-80)]

Baltimore and Ohio Railroad Co.; Discontinuance in Macon and Sangamon Counties, IL; Findings

The Commission has issued a certificate authorizing the discontinuance of trackage rights by Baltimore and Ohio Railroad Company (B&O), over: (a) The 38.90 mile rail line of the Norfolk and Western Railway Company (N&W) Between N&W milepost DET 375.3 near Decatur and N&W milepost DET 414.2, near Springfield and (b) the 2.02 mile line of the Chicago and Illinois Midland Railway Company (C&IM) between B&O milepost 181.29 and B&O milepost 183.31, near Springfield, a total distance of 40.92 miles in Macon and Sangamon Counties, IL. The discontinuance certificate will become effective 30 days after this publication.

James H. Bayne,

Secretary.

[FR Doc. 84-21224 Filed 8-9-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-197)]

Burlington Northern Railroad Co.; Abandonment in Yakima County, WA; Findings

The Commission has found that the public convenience and necessity permit the Burlington Northern Railroad Company to abandon its 11.70 mile rail line between milepost 0.00 near Brace and milepost 11.61 at the end of the line near Tieton, in Yakima County, WA. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 84-21222 Filed 8-9-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-212X)]

Burlington Northern Railroad Co.; Abandonment in Renville County, ND; Exemption

Burlington Northern Railroad Company (BN) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is between milepost 54.0, near Lorain, and milepost 61.58, near Sherwood, a distance of 7.58 miles, in Renville County, ND.

BN has certified: (1) That no local or overhead traffic has moved over the line for at least 2 years, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Serivce Commission (or equivalent agency) in North Dakota has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines*, 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on September 9, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by August 20, 1984, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by August 30, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Peter M. Lee, 176 East Fifth Street, St. Paul, MN 55101.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: August 1, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-21225 Filed 8-9-84; 8:45 am]

BILLING CODE 7035-01-M

[AB-18 (Sub-56]

Chesapeake and Ohio Railway Co.; Abandonment in Clinton and Ionia Counties, MI; Findings

The Commission has issued a certificate authorizing Chespeake and Ohio Railway Company to abandon its 8.11 mile rail line between Grand Ledge (milepost 3.43) and Portland (milepost 11.54) in Clinton and Ionia Counties, MI. The abandonment certificate will become effecive 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

James H. Bayne,

Secretary.

[FR Doc. 84-21223 Filed 8-9-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Department of Labor and Office of the United States Trade Representative; Labor Advisory Committee for Trade Negotiations and Trade Policy; Renewal

The Secretary of Labor and the United States Trade Representative have taken steps to renew the Labor Advisory Committee for Trade Negotiations and Trade Policy. The Committee and subcommittees will be chartered pursuant to section 135(c)(1-2) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1-2), as amended, and Executive Order No. 11846, March 27, 1975 (19 U.S.C. 2111 nt). The charter of the Committee will be filed 15 days from the date of this notice.

The Labor Advisory Committee for Trade Negotiations and Trade Policy consults with, and makes recommendations to the Secretary of Labor and to the United States Trade Representative on issues of general policy matters concerning labor and trade negotiations, operations of any trade agreement once entered into, and other matters arising in connection with the administration of the trade policy of the United States.

The Committee will meet at irregular intervals at the call of the Secretary of Labor and the United States Trade Representative. The frequency of committee meetings will be approximately two or three times per years, depending upon the needs of the Secretary of Labor and the United States Trade Representative. The Steering Subcommittee will meet monthly. Other subcommittees may meet on an ad hoc basis.

Representatives from the private sector wishing further information or to be considered for appointment to serve on the Committee should contact: Mr. Fernand Lavallee, Executive Secretary, Labor Advisory Committee for Trade Negotiations and Trade Policy, Frances Perkins Department of Labor Building, Room S-5313, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone: 202-523-6565.

Signed at Washington, D.C., this 6th day of August 1984.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 84-21313 Filed 8-9-84; 8:45 am]

BILLING CODE 4510-23-M

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise

members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for an uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Collection of Informaiton in Current Rules

Mine Safety and Health Administration
Mine Rescue Equipment Test and Inspection Records
MSHA-502
Monthly
Businesses or other for profit; small businesses or organizations
800 respondents; 24,000 hours
Requires that breathing apparatus at mine rescue stations be inspected and tested once each month to ensure that it would be operable in case of an emergency. Records of the tests and inspections are required to be maintained at mine rescue stations.

Signed at Washington, D.C., this 7th day of August 1984.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 84-21321 Filed 8-9-84; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Alaska State Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the **Federal Register** (38 FR 21628) of the approval of the plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

In response to Federal standards changes, the State has submitted, by letter dated February 27, 1984 from Jim Robison, Commissioner, to James W. Lake, Regional Administrator, and incorporated as part of the plan, State standards comparable to 29 CFR 1910.20, Access to Employee Exposure and Medical Records, as amends 1910.1001 Asbestos, 1910.1018 Inorganic Arsenic, 1910.1025 Lead, 1910.1044 1,2-Dibromo-3-Chloropropane, and 1910.1045 Acrylonitrile, as published in the **Federal Register** (45 FR 35277) on May 23, 1980.

These State standards, which are contained in Subchapter 4, Alaska Occupational Safety and Health Code, were promulgated after public notice under authority vested by AS 18.60.020 to Jim Robison, Commissioner, and became effective June 26, 1983.

2. Decision

Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the Federal standards and accordingly are approved. The major difference is language that has the same substantive effect as the Federal standards.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplement, with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99811; and the Office of State Programs, Room N-3613, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska plan as a proposed change and making the Regional Administator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective August 10, 1984.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this 16th day of May 1984.

Ronald T. Tsunehara,

Acting Regional Administrator

[FR Doc. 21315 Filed 8-9-84; 8:45 am]

BILLING CODE 4510-26-M

Alaska State Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety

and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the **Federal Register** (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

By letter dated December 12, 1983 from Jim Robison, Commissioner, to James W. Lake, Regional Administrator, the State submitted amendments to their Lead Standard in response to amendments to the Federal Lead Standard as published in the **Federal Register** (44 FR 60980) on October 23, 1979; (45 FR 35212) May 23, 1980; (46 FR 60758) December 11, 1981; (47 FR 51110) November 12, 1982; and (48 FR 9641) March 8, 1983.

These amendments to the State Lead Standard were adopted after public notice under the authority vested by AS 18.60.020 to Jim Robison, Commissioner, State of Alaska, and became effective June 26, 1983. They are contained in Subchapter 4, Alaska Occupational Safety and Health Code.

The State had previously submitted for Federal Register approval State standards comparable to 29 CFR 1910.1025, Occupational Exposure to Lead, as originally published in the **Federal Registers** (43 FR 52952) on November 14, 1978 and (43 FR 54354) November 21, 1978; corrections and an administrative stay as published in the **Federal Register** (44 FR 5446) on January 26, 1979; a stay by the U.S. Court of Appeals for the District of Columbia Circuit, as published in the **Federal Register** (44 FR 14554) on March 13, 1979; corrections as published in the **Federal Register** (44 FR 50338) on August 28, 1979; appendixes to the final standard as published in the **Federal Register** (44 FR 60980) on October 23, 1979; and corrections to these appendixes as published in the **Federal Register** (44 FR 68827) on November 30, 1979.

2. Decision

Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard continues to be at least as effective as the Federal standard and accordingly is approved. The differences in the State's adopted standard in response to the amendments to the Federal standard are in the language. These differences do not diminish the effectiveness of the standard in comparison to the applicable amendments to the Federal Lead standard, and the requirements of the State's lead standard are substantially identical to the Federal standard.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplement, with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99811; and the Office of State Programs, Room N–3613, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective August 10, 1984.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, May 23, 1984.

Ronald T. Tsunehara,

Acting Regional Administrator.

[FR Doc. 84–21317 Filed 8–9–84; 8:45 am]
BILLING CODE 4510–26–M

Alaska State Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the **Federal Register** (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

By letter dated November 21, 1983, from Jim Robison, Commissioner, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted State standards amendments comparable to 29 CFR 1910.401, Commercial Diving, as amended in the **Federal Register** (47 FR 53357) on November 26, 1982 and 29 CFR 1910.440, Commercial Diving, as amended in the **Federal Register** (45 FR 35212) on May 23, 1980.

These State standards amendments which are contained in Subchapter 6, Alaska Occupational Safety and Health Code, were promulgated by the State on May 27, 1983, after public notice under authority vested in Jim Robison, Commissioner, by AS–18.60.020. The Alaska Commercial Diving Amendments became effective on June 26, 1983.

2. Decision

Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and accordingly should be approved. There are no significant differences.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003 Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99802; and the Office of State Programs, Room N-3613, Department of Labor Building, 200 Constitution Avenue NW, Washington, D.C. 20210.

4. Public Participation

Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective August 10, 1984.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this 23d day of May 1984.

Ronald T. Tsunehara,

Acting Regional Administrator.

[FR Doc. 84-21318 Filed 8-9-84; 8:45 am]

BILLING CODE 4510-26-M

Virgin Islands Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On September 11, 1973, notice was published in the **Federal Register** (38 FR 24896) of the approval of the Virgin Islands plan and adoption of Subpart S to Part 1952 containing the decision.

The Virgin Islands plan provides for the adoption of Federal standards as Virgin Islands standards by reference. The authority to adopt such standards is contained in Title 3, Section 940, of the Virgin Island Code.

In response to Federal standards changes, the State has submitted by a letter dated December 7, 1982, from Mr. Luis S. Llanos, Assistant Commissioner of the Virgin Islands Department of Labor, to the Acting Regional Administrator, and supplements dated October 14, 1983, and incorporated as part of the plan, State certification documenting promulgation of State standards comparable to Occupational Exposure to Lead; Revised Supplemental Statement of Reasons; Amendment to Final Rule, as published in the **Federal Register** (46 FR 60758) dated December 11, 1981; Fire Protection; Means of Egress; Hazardous Materials; Corrections to 29 CFR Part 1910 (46 FR 24556) dated May 1, 1981; Hazardous Materials, Attendant Exemption and Latch-Open Devices, 29 CFR 1910.106, as published in the **Federal Register** (47 FR 39161) dated September 7, 1982; Education/Scientific Diving 29 CFR Part 1910, Subpart T, as published in the **Federal Register** (47 FR 53357) dated November 26, 1982; Occupational Exposure to Lead: Respirator Fit Testing 29 CFR 1910.1025(f)(3), as published in the **Federal Register** (47 FR 51110) dated November 12, 1982; Occupational Exposure to Cotton Dust; Stay for Knitting Operations, 29 CFR 1910.1043, as published in the **Federal Register** (48 FR 5267) dated February 4, 1983; Occupational Exposure to Coal Tar Pitch Volatiles 29 CFR 1910.1002, as published in the **Federal Register** (48 FR 2764) dated January 21, 1983; Occupational Noise Exposure; Hearing Conservation Amendment; Final Rule, 29 CFR 1910.95, as published in the **Federal Register** (48 FR 9738) dated March 8, 1983.

2. Decision

Having reviewed the Virgin Islands Regulations providing for the adoption of Federal standards by reference, it has been determined that Virgin Islands Regulations are identical to Federal standards and accordingly should be approved.

3. Location of Supplement for Inspection and Copying.

A copy of the standards supplement, along with the approved plan, may be inspected and copied during the normal business hours at the following locations: Office of the Regional Administrator, Region II, 1515 Broadway (1 Astor Plaza) Room 3445, New York, New York 10036; Office of the Director for Federal-State Operations, Room N3476, 200 Constitution Avenue, NW., Washington, D.C. 20210; Department of Labor, Government of the Virgin Islands, Dronigans Gade, Charlotte Amalie, St. Thomas, V.I. 00801, and at Hospital Street, Christiansted, St. Croix, V.I. 00820.

4. Public Participation.

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Virgin Islands plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal Law meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of State Law and further participation would be unnecessary.

The decision is effective August 10, 1984.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at New York City, New York, this twenty seventh day of October 1983.

Gerald P. Reidy,

Regional Administrator.

[FR Doc. 84-21316 Filed 8-9-84; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

[Application File No. D-5258]

Proposed Permanent Class Exemption To Permit Employee Benefit Plans To Invest in Customer Notes of Employers; Replace Prohibited Transaction Exemption 79-9

AGENCY: Office of Pension and Welfare Benefit Programs, Department of Labor.

ACTION: Notice of Proposed Class Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor of a proposed class exemption to permit employee benefit plans to purchase and hold customer notes of employers. The proposed exemption, if adopted, would affect participants, beneficiaries and fiduciaries of plans investing in customer notes, and employers of the plan participants.

DATE: Written comments and requests for a hearing should be received by the Department on or before October 12, 1984.

EFFECTIVE DATE: If adopted, this class exemption would be effective July 1, 1984. A condition requiring independent fiduciary oversight would be effective with respect to transactions entered into after 30 days after the notice of the granting of this exemption is published in the Federal Register.

ADDRESSES: All written comments and requests for a hearing (preferably at least three copies) should be sent to: Office of Fiduciary Standards, Office of Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Customer Notes. The file pertaining to the exemptive relief proposed herein (Application No. D–5258) and the comments received will be available for public inspection in the Public Documents Room of the Office of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Paul Kelty of the Office of Fiduciary Standards, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor (202) 523–7901. This is not a toll-free number .

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed class exemption to allow an employee benefit plan to purchase and hold customer notes from an employer of employees covered by the plan. These transactions would be unlawful under the prohibited transaction provision of ERISA in the absence of an exemption. A temporary class exemption, Prohibited Transaction Exemption (PTE) 79–9 (44 FR 17819, March 23, 1979), permitting transactions of this kind expired on June 30, 1984. PTE 79–9 provided an exemption from the prohibited transaction restrictions of sections 406(a), 406(b) (1) and (2) and 407(a) of the Employee Retirement Income Security Act of 1974 (ERISA) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code .

The preamble to PTE 79–9 states that during the period of the temporary class exemption, the Department would evaluate the exemption and determine whether it should be modified, extended or made permanent. In order to facilitate that evaluation and provide the Department with a mechanism for assuring compliance with the exemption, plans which relied on the exemption were required to notify the Department annually in writing during the time of the termporary exemption and were to provide additional information concerning transactions encompassed by the exemption at the request of the Department.

In order to establish a record on which to base a determination, the Department contacted a cross-section of employers who have utilized the class exemption seeking information concerning their experience with PTE 79–9. The cross-section included companies of different sizes engaged in varying kinds of business and located in different geographical regions. The Department also solicited the views of the Associated Equipment Distributors (AED), an association of several hundred small businesses engaged primarily in the sale of construction equipment, which had submitted a letter of comment on the class exemption when it was originally proposed.

The responses to the Department's inquiries asserted that the class exemption is in the best interests of the participants of the various pension plans and have urged that the exemption should be extended beyond its expiration data. Several of the respondents also said that the yields on the customer notes held by their plans exceed the rates of return on suitable alternative investments available to the plans, sometimes by a considerable margin. Data reported in response to the Department's survey indicate that in all but one instance the yields on the customer notes in a plan's portfolio were higher than the yields on the portfolio as a whole. A few of the responding companies noted, however, that the numbers for yields on the total portfolios do not take account of unrealized appreciation of plan investments. In the few cases where there were any defaults exceeding 60 days on a plan's customer notes, the notes were repurchased by the employer under the recourse provision of section II.E of PTE 79–9.

The findings summarized by the AED in a letter dated April 5, 1984, based on reports from its member companies concerning the exemption, are similar to the responses received directly by the Department. A survey conducted by the AED indicated that a total of 651 customer notes with a value of nearly $69 million had been sold since the inception of the exemption to the plans of some member companies. The AED notes that actual utilization of the exemption by its members probably was higher because the response rate to its survey was limited. Also, a substantial number of respondents stated that they would have sold customer notes to their plans had they known of the availability of the exemption.

The association reports that in every case the rate of return on customer notes was greater than that on alternative investments reported by plans responding to its survey, often by a considerable amount. The safety of the notes also was very high because, as noted below, in the relatively small number of cases where defaults occurred the notes were always paid in full by the plan sponsors. Accordingly, the AED maintains that the exemption is highly beneficial to the plans of its member companies and recommends that it should be made permanent.

PTE 79–9 originated from a sizable number of individual requests seeking exemptive relief in cases where certain kinds of employing companies, such as appliance or automobile dealers, sold or contributed to their pension or profit sharing plans installment notes negotiated with their customers in the ordinary course of their business activities. The many individual applicants represented that over the years the notes had provided good investment opportunities to their plans with a considerable amount of safety.

The temporary class exemption has been in effect for over five years. During that time, it appears to have provided to a large number of plans an investment opportunity giving a relatively favorable yield commensurate with risk. The exemption contains a number of important conditions or limitations designed as safeguards to ensure the protection of the plan assets involved in the transactions. For example, the plan sponsor must guarantee repayment of a note in case of default. A plan may not invest more than 50 percent of its assets in customer notes and over 10 percent in the notes of a single customer. Each customer note sold to a plan must be secured by a perfected security interest in the property financed by the note and the collateral must be insured. Also,

maximum terms ranging up to five years are imposed on the notes, depending on the type of property being financed.

The Department believes the class exemption has operated well over the past several years and has been beneficial to the participants of plans relying on the exemption and now proposes to grant permanent relief beyond June 30, 1984, for the kinds of transactions covered by PTE 79–9. A number of changes to the temporary exemption are proposed, however, for the reasons discussed below. At the urging of plans that have relied on PTE 79–9 and the AED, the Department makes the proposal on its own motion under section 408(a) of ERISA and section 4975(c)(2) of the Code [1] and section 3.01 of ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

1. Annual Noitification Letter

Section II.A of PTE 79–9 requires the appropriate plan fiduciary to notify the Department in writing if a plan has relied on the class exemption during a plan year. The condition imposes an additional reporting requrement on the plan since investments in customer notes generally are already reported to the Department, either on the Form 5500 for large plans (on the item and schedule for transactions exceeding three percent)[2] or on the Form 5500–C for smaller plans (on the item and schedule for party-in-interest transactions). Section II.B of PTE 79–9 requires a plan to provide additional information regarding transactions covered by the exemption at the written request of the Department. When PTE 79–9 was first proposed, the preamble indicated that paragraphs A and B of section II were included so that the Department could monitor covered tranactions "during the period of the temporary class exemption." For these reasons, and because of the new requirement for an independent fiduciary which is being proposed, the Department is not proposing to require an annual notification letter.

2. Percentage Limitations

When the temporary class exemption was originally proposed in October 1977, the total percentage of plan assets that could be invested in customer notes was proposed to be 25 percent. As a result of comments received during the proposal period, the Department raised that limitation to 50 percent while adding a further stipulation that no more than 10 percent of plan funds could be concentrated in the notes of a single customer. These limitations appear to be reasonable safeguards intended to increase plan diversification against risk, and responses to the Department's recent inquiries concerning customer notes indicate that the fact no plans reporting in the survey had exeeded the 50 percent ceiling. Accordingly, the Department is retaining the 50 and 10 percent limitations in the proposed exemption. However, it is proposing to add the words "immediately following the acquisition" to clarify that changes in the market value of other assets in the portfolio that subsequently push a plan's holdings of customer notes above 50 percent do not cuase the transaction to fail this condition.

3. Employer Guarantee

Section II.E of PTE 79–9 provides an important safeguard to the interests of plan participants and beneficiaries by requiring the sponsoring employer to guarantee in writing the immediate repayment of a customer note in case the note becomes over 60 days in arrears. When the temporary class exemption was first proposed the default period was 30 days. However, the Department was persuaded on the basis of comments received that the time frame should be lengthened to 60 days because, for example, business customers sometimes experience seasonal or temporary cash-flow problems not reflective of their basic financial condition.

The AED believes that the default period now should be extended by another 30 days for similar reasons. The association suggests that the language of the exemption should be amended so that once a customer note is 60 days in arrears, the default must be corrected within an additional 30 days or the employer will be required to repurchase the note. The AED claims that, according to some respondents to its survey, the 60-day limitation sometimes causes good notes to be removed from a plan.

The Department has considered the argument put forth by the AED and has tentatively decided that the 60-days default period should not be extended to 90-days. Based on the AED's representations, a 60-day default period has proven to be sufficient in most cases for plan fiduciaries to take necessary action where delinquencies occur. Further, holding the time limitation at 60 days should cause fiduciaries to exercise appropriate care and judgment in the selection of customer notes to be acquired by a plan.

The responses to the Department's survey concerning PTE 79–9 stated that in the few instances where a default exceeding 60 days occurred the notes were repurchased by the employers under the recourse provision of the exemption, with the defaults consequently causing no harm to the participants of the plans. Similarly, the AED said that, although customer notes accounting for about 10 percent of th value of the notes represented by its survey went into default with respect to the 60-day period, without exception every such note was paid in full by the employer.

4. Terms of the Notes

The preamble to the temporary exemption when it was first proposed stated that, according to the many individual applications, the customer notes involved in the described transactions generally varied in length from 36 to 60 months depending on the kind of property being financed. Few adverse comments were received in this regard and the language of the condition in PTE 79–9 imposing maximum maturities on the notes is little changed from that of the proposal.[3] Without intending to limit the scope of relief, the Department proposes to shorten the statement of the condition by eliminating the list of kinds of heavy construction equipment contained in PTE 79–9 from the first paragraph of the condition.

5. Record Keeping Requirement

Section II.I of PTE 79–9 imposes a six-year record keeping requirement on plans relying on the exemption. The Department is not including this requirement as a separate condition of the proposed class exemption because it believes the provisions of section 107 of ERISA already require plans which utilize the exemption to retain sufficient records concerning plan investments in customer notes. Under section 107, persons subject to a requirement to file a description or report under Title I of ERISA are to maintain records on matters which must be disclosed. These records are to provide in sufficient detail the necessary basic information and

[1] Section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978), effective December 31, 1978 (44 FR 1065, January 3, 1979), transferred the authority of the Secretary of the Treasury to issue exemptions of this type to the Secretary of Labor.

In the discussion of the exemption, references to sections 406 and 408 of ERISA should be read to refer as well to the corresponding provisions of section 4975 of the Code.

[2] See 29 CFR 2520.103–6(c) for an explanation of the three percent rule.

[3] In the preamble to the adoption of PTE 79–9, the Department took the position that, in the case of a purchase of seasoned notes by a plan, the term imposed by the condition is the time remaining to maturity on the notes at the time they are acquired by the plan. 44 FR at 17820.

data from which the required documents may be verified, explained or clarified and checked for accuracy and completeness and are to be available for examination for at least six years after the filing date of the appropriate documents.

6. Approval by an Independent Fiduciary

Section III(b) of the proposal would require an independent plan fiduciary to approve any sale of customer notes in advance of the plan's acquisition of such notes and to monitor and, where necessary, enforce the plan's rights with respect to collection on the notes. A plan fiduciary who is not independent of the employer is in a conflict of interest situation when involved in transactions between the plan and the employer. A fiduciary with an interest in a company having financial difficulties, for example, might seek to raise cash for the company by selling notes to a plan covering the employees of the company that a plan fiduciary with no interest in the company would not approve. Likewise, the Department is concerned that a fiduciary who is also associated with a sponsoring employer might not vigorously pursue the plan's obligation to require an employer to purchase a seriously delinquent note pursuant to the employer's guarantee under section II.E of PTE 79–9 or to assure that purchases of customer notes are prudent investments. Since the inception of the ERISA exemption program in 1975, the Department has tried various approaches to the problem of how to minimize conflicts of interest in transactions between plans and fiduciaries. For instance, under PTE 79–9 the Department required notification be sent to it by letter annually if the exemption was being relied on. Based on its experience with PTE 79–9, other class exemptions and individual exemptions, the Department has tentatively concluded that both the prior authorization and the monitoring of these continuous transactions by an independent fiduciary is the most satisfactory method of avoiding abuses of plan assets.[4] Given the safeguards afforded these transactions through the medium of an independent fiduciary, the Department is not proposing to extend the special annual notification requirement that the exemption is being used.

Section III(b) would also require that the independent plan fiduciary acknowledge his or her plan fiduciary status in writing. Under section 409(a) of ERISA, a plan fiduciary who breaches any of the responsibilities imposed under Title I of ERISA shall be personally liable to make good to the plan any losses resulting from the breach and to restore to the plan any profits of the fiduciary made through the use of plan assets. Section III(b) states that a person is independent of an employer for purposes of this exemption even though he or she was selected by that employer if he or she has no other interest in the transaction for which an exemption is sought that might affect his or her best judgment as a fiduciary. The Department notes that examples of cases where it would not view a fiduciary as independent of an employer would be where the fiduciary is an employee of the employer, depends on the employer for an important amount of business or where the fiduciary is a major debtor or creditor of the employer, or where there is a corporate affiliation between the fiduciary and the employer. The independent fiduciary approving the sale and the independent fiduciary responsible for the monitoring and enforcement function need not be the same person.

Section III(b) is effective only with respect to customer notes sold after 30 days after notice of the granting of this exemption is published in the Federal Register. This one condition has a delayed effective date because the Department wants to give those persons who have depended on PTE 79–9 sufficient time to modify their procedures to include an independent plan fiduciary.

Notice to Interested Persons

Because all participants and beneficiaries of plans engaging in transactions covered by the proposed exemption could conceivably be interested persons, the Department has determined that the only practical form of notice is by publication in the Federal Register.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of ERISA does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of ERISA and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of ERISA which require, among other things, that a fiduciary discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan. It also does not affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) Before an exemption may be granted under section 408(a) of ERISA, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan.

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of ERISA and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the proposed exemption to the address and within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the referenced application at the above address.

Proposed Exemption

Under section 408(a) of ERISA and section 4975(c)(2) of the Code and in accordance with ERISA Procedure 75–1, the Department proposes granting the class exemption set forth below.

Section I. Definition of Customer Notes. For purposes of this exemption, a customer note is a two-party instrument, executed along with a security agreement for tangible personal property, which is accepted in connection with, and in the normal course of, an employer's primary business activity as a seller of such property. A two-party instrument is a promissory instrument used in connection with the extension of credit in which one party (the maker) promises to pay a second party (the payee) a sum of money.

[4] Class exemptions requiring independent fiduciary oversight included among others PTE 84–24 (49 FR 13208), which susperseded PTE 77–9 and involves, among others, insurance agents and brokers and pension consultants; PTE 79–1 (44 FR 5963) involving security transactions by plan fiduciaries; and PTE 82–87 (47 FR 21331) concerning certain residential mortgage financing arrangements.

Section II. Transactions Covered. Effective July 1, 1984, if the conditions of section III of this exemption are satisfied, the prohibitions of sections 406(a), 406(b) (1) and (2) and 407(a) of ERISA and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the acquisition from an employer with respect to a plan and holding by the plan of customer notes (which, pursuant to section III(d), are guaranteed by the employer), or the repurchase of those notes by the employer.

Section III. Conditions. The following conditions must be met in the case of each plan which engages in covered transactions in reliance on the exemption:

(a) The transaction is on terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be.

(b) Effective with respect to customer notes sold after [Insert date 30 days after notice of adoption of this exemption in the **Federal Register**]—

(1) Prior to the consummation of a transaction described in section II of this exemption, the transaction is approved on behalf of the plan by a fiduciary who is independent of the employer, upon a determination made by such fiduciary that the (other) conditions of this exemption will be satisfied. The independent fiduciary shall acknowledge his or her plan fiduciary status in writing with respect to the transaction. For purposes of this paragraph, a person is independent of an employer even though he or she was selected by the employer (or by a person with an interest in the employer) if he or she has no other interest in the transaction for which an exemption is sought that might affect his or her best judgment as a fiduciary;

(2) The plan's continuing rights under the terms and conditions of the acquired customer note(s) and under this exemption shall be monitored and enforced on behalf of the plan by the same or another plan fiduciary who is independent of the employer and who has acknowledged his or her fiduciary status and liability as described in paragraph (b)(1) of this section. The independent fiduciary shall be responsible for taking all appropriate actions necessary to protect the plan's rights with regard to the safety and collection of the notes purchased by the plan. These actions shall include, but not be limited to, ascertaining that payments are received timely, diligently pursuing the receipt of delinquent payments and enforcing the employer's guarantee to repurchase delinquent notes, with accrued interested, as described in paragraph (d) of this section.

(c) The acquisition of a customer note from the employer shall not cause a plan to hold immediately following the acquisition (i) more than 50 percent of the current value (as defined in section 3(26) of ERISA) of plan assets in customer notes of the employer or (ii) more than 10 percent of the current value of plan assets in the notes of any one customer.

(d) The employer guarantees in writing the immediate repayment of the outstanding balance of the note and accrued interest in the event the note is more than 60 days in arrears or if other events occur that, in the opinion of the independent fiduciary referred to in paragraph (b) of this section, impair the safety of the note as a plan investment. These events include, but are not limited to, the following:

(1) The obligor on the note fails to comply with any terms or conditions of the note.

(2) The obligor becomes insolvent, commits an act of bankruptcy, makes an assignment for the benefit of creditors or a liquidating agent, offers a composition or extension to creditors or make a bulk sale.

(3) Any proceeding, suit or action at law, in equity or under any of the provisions of the Bankruptcy Act or amendments thereto for reorganization, composition, extension, arrangements, receivership, liquidation or dissolution is begun by or against the obligor.

(4) A receiver of any property of the obligor is appointed under any jurisdiction at law or in equity.

(5) The obligor fails to take proper care of or abandons the property being financed by the note.

(e) The plan receives adequate security for the note. For purposes of this exemption, the term adequate security means that the note is secured by a perfected security interest in the property purchased by the obligor on the note so that if the security is foreclosed upon, or otherwise disposed of, in default of repayment of the loan, the value and liquidity of the security is such that it may reasonably be anticipated that loss of principal or interest will not result. In no event shall adequate security mean an interest in intangible personal property, such as, but not limited to, accounts, contract rights, documents, instruments, chattel paper, and general intangibles.

(f) Insurance against loss or damage to the collateral from fire or other hazards will be procured and maintained by the obligor until the note is repaid or repurchased by the employer, and the proceeds from such insurance will be assigned to the plan.

(g) Repayment must be provided for in the following manner:

(1) Where the note is secured by heavy equipment, the term shall in no event exceed 60 months. For purposes of this exemption, heavy equipment shall include machinery sold by equipment distributors such as, but not limited to, earth moving, material handling, pipe laying, power generation, and construction machinery manufactured according to standard specifications, but shall not include such equipment which has been specifically designed and manufactured to a user's specifications and which cannot reasonably be expected to be resold in the ordinary course of the equipment distributor's business.

(2) Where the note is secured by passenger automobiles and light-duty highway motor vehicles, the term shall in no event event exceed 48 months. For purposes of this exemption, passenger automobiles and light-duty highway motor vehicles are defined as vehicles which have a gross weight of 10,000 pounds or less, are propelled by means of their own motor and are a type used for highway transportation.

(3) Where the note is secured by tangible personal property other than heavy equipment or motor vehicles described in paragraph (g)(1) and (2) of this section, the terms shall in no event exceed 36 months.

(h) All records, information and data required to be maintained which relate to plan investments in customer notes covered by this exemption shall be unconditionally available at their customary location for examination during normal business hours by:

(1) The Department of Labor,

(2) The Internal Revenue Service,

(3) Plan participants and beneficiaries, or

(4) Any duly authorized employee or representative of a person described in subparagraph (1) through (3) above.

Signed at Washington, D.C., this 3d day of August, 1984.

Alan D. Lebowitz,

Deputy Administrator for Program Operations, Office of Pension and Welfare Benefit Programs.

[FR Doc. 84-21326 Filed 8-9-84; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 84–118; Exemption Application No. D–4752 et a.]

Grant of Individual Exemptions; the Barrington Co., et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In additon the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedures 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

The Barrington Company Defined Benefit Pension Plan and Trust (the Plan) Located in Barrington, Illinois

[Prohibited Transaction Exemption 84–118; Exemption Application No. D–4752]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply, for a period of five years from the date of the exemption grant to: (1) The proposed purchase by the Plan of certain leases of equipment (the Leases) from The Barrington Company (the Employer); (2) the repurchase by the Employer of Leases in default; (3) the indemnification of the Plan by the Employer and by Frederic V. Lacock, the Plan trustee; and (4) the possible repurchase by the Employer of the leased equipment according to the provisions of the Leases, provided that the following conditions are met:

A. Any sale of Leases to the Plan will be on terms at least as favorable to the Plan as an arm's-length transaction with an unrelated third party would be.

B. The acquisition of a Lease from the Employer shall not cause the Plan to hold: (1) More than 50 percent of Plan assets in Leases; and (2) more than 10 percent of Plan assets in Leases of any one lessee.

C. Upon default by the lessee on any payment due under a Lease, the Employer agrees to indemnify the Plan against any loss resulting from such default. The Employer also agrees to repurchase such Lease and the leased equipment at the outstanding balance due under that Lease plus the present value of the equipment's salvage value. A Lease shall be deemed to be in default for the purposes of this section if: (1) A payment due under the terms and conditions of the Lease is past due for a period of 10 days; (2) a lessee defaults in the performance of any other term or condition of the Lease for a period of 10 days; or (3) the lessee ceases doing business or becomes insolvent.

D. The Plan receives adequate security for the property underlying the Lease. For purposes of this exemption, the term adequate security means that the property is secured by a perfected security interest in the property leased, so that if there is a default on the Lease and the security is foreclosed upon or otherwise disposed of, the value and liquidity of the security is such that it may reasonably be anticipated that the Plan will experience no loss.

E. Insurance against loss or damage to the leased property from fire or other hazards will be procured and maintained by the lessee, and the proceeds from such insurance will be assigned to the Plan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on June 15, 1984 at 49 FR 24825.

FOR FURTHER INFORMATION CONTACT: David M. Cohen of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

The Cassano's Inc. Revised Profit Sharing Trust (the Plan) Located in Kettering, Ohio

[Prohibited Transaction Exemption 84–119; Exemption Application No. D–5087]

Exemption

The restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the lease (the Lease) effective July 1, 1984, of certain real property (the Property) by the Plan to Cassano's, Inc. (the Employer), a party in interest with respect to the Plan, which will sublease the Property to AMC Pizza, Inc. (the Subsidiary), another party in interest with respect to the Plan; and (2) the possible future sale of the Property by the Plan to the Employer pursuant to a purchase option in the Lease, provided: the terms of each transaction are at least as favorable to the Plan as those the Plan could obtain in a similar transaction with an unrelated party; in the event of such sale, the sales price is no less than the fair market value of the Property on the date of the sale and is fully paid in cash on the date of the sale; and sections 6 and 8 of the Lease are amended as described in the notice of proposed exemption.

For a more complete statement of the facts and representation supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on June 15, 1984 at 49 FR 24827.

Effective Date: This exemption is effective July 1, 1984.

Written Comments and Hearing Requests: One comment was received by the Department from the applicant. In the comment the applicant states that the Plan year is a calendar year, rather than a fiscal year as stated incorrectly in item 4 of the Summary of Facts and Representations in the above mentioned notice. The Department has considered this information and has determined

that the exemption should be granted as proposed.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Paul W. Lawrence Construction Co., Inc. Profit Sharing Plan (the Plan) Located in Hastings, Minnesota

[Prohibited Transaction Exemption 84–120; Exemption Application No. D–5206]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply for a period of six years to: (1) The proposed sales by the Paul W. Lawrence Construction Co., Inc. (the Employer), the sponsor of the Plan, of its interests in contracts for deed or residential first mortgage loans (collectively, the Contracts) to the Plan, provided that the terms and conditions of such sales are at least as favorable to the Plan as those which the Plan could receive in similar transactions with an unrelated party; and (2) the guarantee of the Contracts by the Employer, Paul W. Lawrence and/or his wife.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on June 8, 1984 at 49 FR 23962.

For further information contact: Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 7th day of August, 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Fiduciary Standards, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84–21327 Filed 8–9–84; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting; Employment Policy, National Commission

AGENCY: National Commission for Employment Policy.

ACTION: Notice of Meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given of the thirty-fifth meeting of the National Commission for Employment Policy at the Georgetown Hotel, 2121 P Street, NW., Washington, D.C.

DATES: September 13, 1:00 pm–5:00 pm and September 13, 9:00 am–1:00 pm.

Statue: This meeting will be open to the public.

Matters to be discussed: The Commission will discuss issues related to adult education and training and the Job Training Partnership Act, and hear updates on other Commisson activities.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Hogue McNeil, Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washington, D.C. 20005, (292) 724–1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy is authorized by the Job Training Partnership Act (Pub. L. 97–300). The Act gives the Commission the broad responsibility of advising the President and the Congress on national employment issues. Business meetings are open to the public. Handicapped individuals wishing to attend should contact Velada Waller of the Commission staff so that appropriate accommodations can be made.

People wishing to submit written statements to the Commission that are germane to the agenda may do so, provided that such statements are in reproducible form and are submitted to the Director at least 5 days before the meeting and not more than 7 days after the meeting.

In addition, members of the general public may request to make oral presentations to the Commission, time permitting. Such statements must be applicable to the announced agenda and written application must be submitted to the Director at least 5 days before the meeting. This application should include: name and addess of applicant, subject of presentation, relation to agenda, amount of time needed, individual's qualifications to speak on the subject, and a statement justifying the need for an oral rather than written statement.

The Commission Chairman has the right to decide to what extent public oral presentations may be permitted at the meeting. Oral presentations will be limited to statements of fact and views and shall not include any questioning of the Commissoners or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting and materials prepared for it will be available for public inspection at the Commissioner's headquarters, 1522 K Street, NW., Suite 300, Washington, D.C. 20005.

Signed in Washington, D.C., this 31st day of July 1984.

Patricia Hogue McNeil,

Director.

[FR Doc. 84–21312 Filed 8–9–84; 8:45 am]

BILLING CODE 4510–30–M

NUCLEAR REGULATORY COMMISSION

Errata to Regulatory Guides; Issuance and Availability

The Nuclear Regulatory Commission has issued errata to the following regulatory guides:

10.2 "Guidance to Academic Institutions Applying for Specific Byproduct Material Licenses of Limited Scope" (Revision 1)

10.4 "Guide for the Preparation of Applications for Licenses To Process Source Material" (Revision 1)

10.5 "Applications for Type A Licenses of Broad Scope" (Revision 1)
10.7 "Guide for the Preparation of Applications for Licenses for Laboratory and Industrial Use of Small Quantities of Byproduct Material" (Revision 1)
10.9 "Guide for the Preparation of Applications for Licenses for the Use of Gamma Irradiators"
TM 608–4 "Guide for the Preparation of Applications for Licenses in Medical Teletherapy Programs" (Draft Regulatory Guide)

These guides all include directions for using various license application forms that have been discontinued and replaced by a new NRC Form 313 for all byproduct material license applications. Until each of the regulatory guides is updated and revised, these errata provide the information needed to use the new NRC Form 313.

Requests for single copies of the errata should be directed to the Distribution Services Section, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland, this 6th day of August 1984.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 84–21279 Filed 8–9–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co., et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix J to 10 CFR 50 to Duquesne Light Company, Ohio Edison Company and Pennsylvania Power Company (the licensees), for the Beaver Valley Power Station, Unit No. 1, located in Shippingport, Pennsylvania.

Environmental Assessment

Identification of Proposed Action

The exemption would allow detachment of the schedule of the Containment Integrated Leak Rate Test (CILRT) from the schedule of Inservice Inspection (ISI). The latter has recently been changed by a separate staff action. It is, therefore, no longer possible to perform the CILRT at a frequency of once every 40±10 months and still be in conjunction with the ISI.

The exemption is responsive to the licensees' application for exemption and amendment dated June 25, 1984.

The Need for the Proposed Action

The proposed exemption is needed because with the change in schedule of ISI, it is no longer possible to perform both the CILRT and ISI at the same time, as is required by 10 CFR Part 50, Appendix J, section J.III.D.1(a).

Environmental Impacts of the Proposed Action

The proposed exemption will provide assurance of containment integrity that is equivalent to that required by Appendix J such that there is no increase in the risk of accidents at this facility. Consequently, the probability of accidents has not been increased and the post-accident radiological releases will not be greater than previously determined, nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Beaver Valley Power Station, Unit No. 1.

Agencies and Persons Consulted

The NRC staff reviewed the licensees' request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the exemption dated June 25, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Bethesda, Maryland, this 30th day of July 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84–21280 Filed 8–9–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co., et al., Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix J to 10 CFR Part 50 to Duquesne Light Company (the licensee), for the Beaver Valley Power Station, Unit No. 1, located in Shippingport, Pennsylvania.

Environmental Assessment

Identification of Proposed Action

Section III.D.2(b)(ii) of Appendix J, 10 CFR 50, states that "Air locks opened during periods when containment integrity is not required by the plant Technical Specifications shall be tested at the end of such periods at not less than Pa". Duquesne Light Company has requested that the Beaver Valley Unit No. 1 Technical Specification be changed to require an overall air lock leak rate test at Pa (38.3 psig) to be performed "Upon completion of maintenance which has been performed on the air lock that could affect the air lock sealing capability". This requested Technical Specification change, while deviating literally from the regulation, nevertheless reflects the staff's current position on post-maintenance air lock test schedule, as is shown in the Standard Technical Specifications for Westinghouse Pressurized Water Reactors (NUREG-0452, Rev. 4). In order to grant the requested amendment, however, an Exemption to the present regulation must first be granted.

The Need for the Proposed Action

The proposed exemption is needed because the air lock test schedule described in the licensee's request conforms with the staff's present position on the subject matter. Literal compliance would not significantly enhance the air lock sealing capability.

Environmental Impacts of the Proposed Action

The proposed exemption will ensure the air locks to have a sealing capacity which meets the objectives of Appendix J. Consequently, the probability of leakage through the air locks has not been increased, and the post-accident radiological releases will not be greater than previously determined, nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Beaver Valley Power Station, Unit No. 1.

Agencies and Persons Consulted

The NRC staff reviewed the licensees' request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the amendment and exemption dated July 14, 1983, and supplement dated May 7, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Bethesda, Maryland, this 1st day of August 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-21281 Filed 8-9-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co. et.al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a relief from the requirements of ASME Code Section XI to Duquesne Light Company, Ohio Edison Company and Pennsylvania Power Company (the licensees), for the Beaver Valley Power Station, Unit No. 1, located in Shippingport, Pennsylvania.

Environmental Assessment

Identification of Proposed Action

The relief will permit the licensees to visually examine certain Class 3 pipe supports in a manner different from that prescribed in Section XI of the ASME Boiler and Pressure Vessel Code, as required by 10 CFR 50.55, because of inaccessibility.

The relief is responsive to the licensees' application for relief dated October 25, 1983 and supplemented by letter dated February 1, 1874.

The Need for the Proposed Action

The proposed relief is needed because the visual examinations prescribed by the Code cannot be performed due to inaccessibility. The licensees' proposed alternate examinations would ensure that these pipe supports are in good condition.

Environmental Impacts of the Proposed Action

The proposed relief will provide a degree of assurance of operability that is equivalent to that prescribed by the ASME Code. Consequently, the probability of the pipe support not operating properly will not be increased and post-accident radiological releases will not be greater than previously determined nor does the proposed relief otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed relief.

With regard to potential non-radiological impacts, the proposed relief involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed relief.

Alternative use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Beaver Valley Power Station, Unit No. 1.

Agencies and Persons Consulted

The NRC staff reviewed the licensees' request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed relief.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the relief dated October 25, 1983 and supplement dated February 1, 1984, which are available for public inspection at the Commission's Public Document Roon, 1717 H Street, NW., Washington, D.C., and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated a Bethesda, Maryland, this 30th day of July 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-21282 Filed 8-9-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co. et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix R to 10 CFR Part 50 to Duquesne Light Company, Ohio Edison Company and Pennsylvania Power Company (the licensees), for the Beaver Valley Power Station, Unit No. 1, located in Shippingport, Pennsylvania.

Environmental Assessment

Identification of Proposed Action

The exemption would relax the requirement that there be fixed suppression and detection systems, 3-hour rated fire barriers or 20-foot separation of redundant equipment for eight fire areas.

The exemption is responsive to the licensees' application for exemption dated December 16, 1983, as supplemented by letter dated May 30, 1984.

The Need for the Proposed Action

The proposed exemption is needed because the features described in the licensee's request regarding the existing fire protection at the plant for these items are the most practical method for meeting the intent of Appendix R; literal compliance would not significantly enhance the fire protection capability.

Environmental Impacts of the Proposed Action

The proposed exemption will provide a degree of fire protection that is equivalent to that required by Appendix R for the eight areas of the plant such that there is no increase in the risk of fires at these facilities. Consequently, the probability of fires has not been increased and the post-fire radiological releases will not be greater than previously determined nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environemntal impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed relief involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Beaver Valley Power Station, Unit No. 1.

Agencies and Persons Consulted

The NRC staff reviewed the licensees' request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption dated December 16, 1983 and supplement dated May 30, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Bethesda, Maryland, this 30th day of July 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-21284 Filed 8-9-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-278]

Philadelphia Electric Co., et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating Licnese No. DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), for operation of the Peach Bottom Atomic Power Station, Unit No. 3 (the facility) located in York County, Pennsylvania.

In accordance with the licensees' application dated May 30, 1984, the amendment would change the Technical Specifications (TSs) to permit continued operation of Peach Bottom Unit 3 after reaching End of Cycle 6 (EOC-6) exposure in the region of the operating map bounded by the constant recirculation pump speed line between 100% power, 105% core flow (100, 105) and 70% power, 110% core flow (70, 110) with or without the last stage feedwater heaters valved out-of-service. The change would specifically involve increasing the TS values on Table 3.5.K.3 for the Minimum Critical Power Ratio (MCPR) of P8X8R and PTA fuel by 0.01 during the period from 2000 MWD/t before EOC to EOC-6.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendment request would change the MCPR operating limits from the values established by the Reload 5, Cycle 6, licensing approval May 4, 1983) to different values, depending upon the operating conditions, to permit operation with increased core flows. The licensees reevaluated the abnormal operational transients, loss-of-coolant accidents, fuel loading error accidents, rod drop accidents, and rod withdrawal error events based upon increased core flow operation. The effects of the increased pressure differences on the reactor internal components, fuel channels, and fuel bundles were also analyzed by the licensees. Furthermore, the effect of the increased core flow rate on the flow-induced vibration response of the reactor internals was evaluated. A thermal hydraulic stability analysis was performed and increases in the feedwater nozzle and feedwater sparger usage factors were also determined and evaluated. Based upon the staff's consideration of the above analyses, it appears that the licensees' proposed increases in the MCPR operating limits would result in preserving the original safety margin provided in the current TSs during the proposed period of increased core flows. Therefore, the staff concludes that the proposed amendment meets the criteria of 10 CFR 50.92, as stated above. Accordingly, the Commission proposes to determine that the proposed changes involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination

unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By September 6, 1984, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention shoud 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 effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: 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 Troy B. Conner, Jr., 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006, attorney for Philadelphia Electric Company.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Dated at Bethesda, Maryland, this 6th day of August 1984.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 84-21283 Filed 8-9-84; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Hydropower Assessment Steering Committee and River Assessment Task Force; Combined Meeting Notice

AGENCY: Hydropower Assessment Steering Committee and River Assessment Task Force of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of combined meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Apendix I, 1–4. Activities will include:

• Approval of hydro assessment study workplan.
FERC activities update.
Other.
Public comment.
Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming combined meeting of its Hydropower Assessment Steering Committee and River Assessment Task Force.

DATE: August 14, 1984, 9:00 a.m.

ADDRESS: The meeting will be held at the Council Hearing Room in Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Peter Paquet, 503–222–5161.

Edward Sheets,
Executive Director.

[FR Doc. 84–21242 Filed 8–9–84; 8:45 am]
BILLING CODE 0000–00–M

POSTAL SERVICE

Privacy Act of 1974; Systems of Records

AGENCY: Postal Service.

ACTION: Advance notice of new routine use to be added to an existing system of records, and final notice of the deletion of a temporary routine use.

SUMMARY: The purpose of this document is to provide information for public comment concerning the Postal Service's proposal to add a new routine use to system USPS 050.020, Finance Records—Payroll System, and to publish notice of the deletion of a temporary routine use to that system.

DATE: Any interested party may submit written comments on Part 2 of this notice regarding the proposed new routine use. Comments must be received on or before September 10, 1984. Part 1 became effective May 18, 1984.

ADDRESS: Comments may be mailed to Records Officer, U.S. Postal Service, 475 L'Enfant Plaza West, SW, Washington, DC 20260–5010, or delivered to Room 8121 between 8:15 a.m. and 4:45 p.m. Comments received may be inspected in Room 8121 between 8:15 a.m. and 4:45 p.m.

FOR FURTHER INFORMATION CONTACT: Martha J. Smith, Records Office (202) 245–5568.

SUPPLEMENTARY INFORMATION: Part 1 of this notice deletes temporary routine use No. 26 to system USPS 050.020, Finance Records—Payroll System. In Part 2 of this notice the Postal Service is proposing a new routine use No. 26 for system USPS 050.020, in connection with its plans to assist the Department of Labor in its efforts to enhance the integrity of its Unemployment Insurance Program by providing to states, upon request, certain postal employee information required in connection with their efforts to prevent illegal payments of unemployment compensation benefits. This routine use, once in effect, will permit the discretionary disclosure of data from the Postal Service's Payroll System files to state agencies that provide unemployment compensation benefits to individuals where disclosure is necessary for the appropriate state component to take legal, administrative or corrective action to improve program integrity. The disclosed information will be used in a state's attempt to eliminate waste, fraud, and abuse in its unemployment insurance program.

Part 1—Deletion of Temporary Routine Use

Temporary routine use No. 26 to system 050.020 was published in 48 FR 22395 on May 18, 1983, to be in effect for a period of one year from date of publication. While in effect, the routine use allowed for the disclosure to the Philadelphia School District (PSD) of information about particular postal employees for a comparison with the PSD's time/attendance/payment files. The effective period of one year elapsed May 18, 1984, and the routine use is being deleted.

Part 2—Proposed New Routine Use

The Postal Service and the Office of Unemployment Insurance Services, Department of Labor, in connection with direction set by the President's Council on Integrity and Efficiency (PCIS) Long Range Computer Matching Group, have determined that it is prudent to identify Postal Service employees who have improperly received compensation under state benefit programs, and to prevent illegal payments of such benefits. The Postal Service therefore proposes to assist states, upon request, in their efforts to eliminate this problem by disclosing certain Postal Service employee information resulting from computer matching operations conducted by the Postal Service. The matches will be conducted in accordance with the Office of Management and Budget's revised guidelines for Conducting Matching Programs (47 FR 21658; May 19, 1982). The participating states will be required to submit written requests for the postal employee information, including written assurance to the Postal Service that the privacy protections expressed in the Matching Guidelines and other specific protection provisions will be followed. Any subsequent releases for computer matching purposes to local jurisdictions within the states will be subject to the same written assurance to the Postal Service. Postal Service Payroll System files (system USPS 050.020, Finance Records—Payroll System) contain general payroll information including name, social security number, salary, benefit deductions, leave data, addresses, records of attendance and other relevant payrool information. Using a computer tape provided by the participating state, the Postal Service will match the tape against its Payroll system files and will disclose to the state a list of "matched" employees along with that information which is necessary to make a thorough analysis for determining the recipient's status as to eligibility for unemployment compensation and any debt that is owed to that state (or local jurisdiction). The Postal Service retains the authority under the proposed routine use to withhold specific data elements from a requesting state if it is believed that the particular elements are not germane to the purpose of the state's analysis. This analysis, to be conducted by the state or local jurisdiction, is an essential element of the project. The mere existence of an individual's match between the state program file and the Postal Services Payroll System file will not of itself, or without the individual's prior opportunity to respond, be the cause of any benefit reduction or legal collection action. The state will be required to certify in writing its agreement to these safeguards.

Disclosure under the proposed routine use is compatible with the Postal Service's personnel management responsibility for oversight of its employees' conduct, particularly with regard to the requirement that these individuals comport themselves in a proper manner and not obtain financial benefits in a fraudulent manner.

Important limitations to the Postal Service's suppling of the data are that the states must: (1) Agree to follow the requirements of the OMB's "Guidelines for Conducting Computerized Matching Programs;" (2) not utilize the information for purposes other than those specifically agreed upon; and (3) not derivatively use the file or information without the Postal Service's specific permission.

A match between the Postal Service's Payroll System File and the states' program file is not an indication that

any illegality has occurred; the match will alert the states, however, that further study is warranted to see if there is any impropriety. System USPS 050.020 last appeared in 49 FR 24835 dated June 15, 1984.

Accordingly, the existing temporary routine use No. 26 to system USPS 050.020, Finance Records—Payroll System, is deleted, and it is proposed to add a new routine use No. 26, as follows:

USPS 050.020

SYSTEM NAME.

Finance Records—Payroll System.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

26. Disclosure of information about particular postal employees may be made to requesting states in connection with approved computer matching programs, limited to only those data elements considered relevant to making a determination of eligibility under unemployment insurance programs administered by the states (and by those states to local governments); to improve program integrity; and to collect debts and overpayments owed to those governments and their components.

* * * * *

W. Allen Sanders,

Associate General Counsel, Office of General Law & Administration.

[FR Doc. 84-21269 Filed 8-9-84; 8:45 am]

BILLING CODE 7710-12-M

Privacy Act of 1974; System of Records

AGENCY: Postal Service.

ACTION: Notice of Computer Matching Program; U.S. Postal Service/ Government of the District of Columbia, Department of Human Services (DC-DHS), advance notice of modification to an existing system of records.

SUMMARY: The purpose of this document is to provide information for public comment concerning the Postal Service's proposal to conduct a computer matching program that would add a new temporary routine use to system USPS 050.020, Finance Records—Payroll System.

DATE: Any interested party may submit written comments regarding the matching program and the proposed new routine use. Comments on this notice must be received on or before September 10, 1984.

ADDRESS: Comments may be mailed to Records Officer, U.S. Postal Service, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260-5010, or delivered to Room 8121 at the above address between 8:15 a.m. and 4:45 p.m. Comments received may also be inspected in Room 8121 between 8:15 a.m. and 4:45 p.m.

FOR FURTHER INFORMATION CONTACT: Martha J. Smith, Records Office, (202) 245-5568.

SUPPLEMENTARY INFORMATION: The Postal Service is proposing a new temporary routine use for system USPS 050.020, Finance Records—Payroll System in connection with its plans to assist the DC Department of Human Services (DC-DHS) in identifying welfare recipients who are employed by the Postal Service in the District of Columbia, and in the States of Maryland and Virginia and who have not reported their earnings from postal employment to the DC-DHS. The routine use, if adopted, will be in effect for a period of one year from its effective date. The purpose of this proposed action is to determine whether suspected violations of Federal, State or District of Columbia's laws or Postal Service regulations have occurred in connection with the receipt by such employees of welfare benefits under the Aid to Families with Dependent Children (AFDC), General Public Assistance (GPA), Food Stamps, and Medicaid programs, and the nonreporting of earngings from Postal Service employment to the DC-DHS. Set forth below is the information required by the Revised Supplemental Guidelines for Conducting Computerized Matching Programs issued by the Office of Management and Budget (47 FR 21656, May 19, 1982).

Report of Computer Matching Program

In accordance with 39 U.S.C. 404(a)(7), regarding investigation of postal offenses and civil matters relating to the Postal Service, it is proposed that the DC-DHS will provide to the Postal Service a computer tape of its AFDC, GPA, Food Stamps, and Medicaid program files which the Postal Service will match, using name and social security account number, against its Payroll System file of employees who work in the District of Columbia and in the States of Maryland and Virginia. The purpose of the proposed match is to identify recipients of benefits under those programs who are employed by the Postal Service and have not reported their earnings as a result of such employment to DC-DHS.

Upon completion of the match and after the list of "matched" employees is compiled, the Postal Service will return to DC-DHS its computer tape. In addition, for the "matched" employees, the Postal Service will disclose to DC-DHS location of employment, home addresses, and gross wage information. The validity of "matched" employee/ benefit recipient informaiton will be verified by an investigator of the DC-DHS's Office of Management Systems. An investigation will be conducted and, if appropriate, the amount of the grant may be adjusted, the case may be terminated, or the case may be referred for fraud prosecution. Once identified, all records on nonsuspect cases compiled as a result of this matching effort will be promptly destroyed. Any action taken as a result of a match will comply with all applicable due process standards. If suspected fraud is uncovered, the informaiton in such cases will be provided by the DC-DHS's Office of Management Systems to the DC-DHS's Office of Inspections and Compliance and to the District of Columbia's Corporation Counsel.

In accordance with OMB guidelines for conducting computer matching programs, the Postal Service has obtained a signed agreement from the DC-DHS specifying that the informaion released by the Postal Service will be used for purposes of the computer match and for no other purpose, and specifying that the information will be safeguarded against unauthorized disclosure.

Proposed System Modification to Add New Routine Use

Accordingly, on a one-time basis, the Postal Service proposes to disclose a limited amount of information from the payroll records of certain postal employees to the Government of the District of Columbia, Department of Human Services (DC-DHS). Disclosure will permit DC-DHS to assure greater integrity of their benefit recipient programs and help assure that Postal Service employees abide by established standards of conduct and not obtain financial benefits in a fraudulent manner. Disclosure under the proposed routine use is compatible with the Postal Service's personnel management responsibility for oversight of its employees' conduct particularly with regard to the requirement that employees comport themselves in a proper manner and not obtain financial benefits in a fraudulent manner. System USPS 050.020 last appeared in 49 FR 24835 dated June 15, 1984.

As provided in 5 U.S.C. 552a(e)(11) for new routine uses, interested persons are invited to submit written views or arguments on the routine use proposed.

After any comments submitted have been considered, final notice of the routine use will be published.

Accordingly, it is proposed to modify system USPS 050.020, Finance Records—Payroll System, to add a new temporary routine use to allow this disclosure as follows:

USPS 050.020

SYSTEM NAME:

Finance Records—Payroll System.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

30. (Temp.) Disclosure of information about particular postal employees who work in the District of Columbia and in the States of Maryland and Virginia may be made to the Government of the District of Columbia, Department of Human Services (DC-DHS) for comparison with the DC-DHS welfare program files.

Note.—The routine use will be in effect for a period of one year from its effective date.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84-21270 Filed 8-9-84; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer—Kenneth A. Fogash—(202) 272-2142.

Upon written request, copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

New

Form N-SAR
No. 270-292

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for clearance new N-SAR, semi-annual report for all registered investment companies except face amount certificate companies. The five following annual reporting forms previously cleared would be withdrawn: N-1R, annual report for registered management investment companies; N-5R, annual report of small business investment companies; N-30A-2, annual report of unit investment trusts which are currently issuing securities; N-30A-3, annual report of unincorporated management investment companies currently issuing periodic payment plan certificates; and 2-MD, annual report form for unit investment trusts having securities registered on forms N-1, N-2 or S-6.

Submit comments to OMB Desk Officer: Katie Lewin (202) 395-7231, Office of Information and Regulatory Affairs, New Executive Office Building, Room 3235, Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

August 2, 1984.

[FR Doc. 84-21244 Filed 8-9-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21201; File No. SR-DTC-84-5]

Self-Regulatory Organizations Proposed Rule Change by the Depository Trust Co.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 23, 1984, The Depository Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Depository Trust Company ("DTC") is filing herewith the following changes in the Fee Schedule for certain secondary services:

Service

1. Institutional Delivery (ID) System Activity and Report:

a. For each confirm submitted or distributed by paper, magnetic tape (deliver to or picked up from DTC), PTS, CCF or dial-in Teletype compatible terminals:

$.25 [.20] to broker (and *$.25* [.20] more for any interested party); [1] *$.25* [.20] to clearing agent if agent requests confirms; [1] *$.25* [.20] to investment manager [2] for each confirm received, whether or not affirmed.

For each confirm transmitted in magnetic tape form:

$.40 [.35] per confirm, plus telephone line costs.[1]

For each confirm transmitted by facsimile device:

$.45 [.40] per confirm, plus telephone line costs.[1]

b. *For each Pre-Authorized Delivery Quantity (PDQ) Delivered/Not Delivered and Received Report line item:*

$.09 to deliverer and $.09 to receiver.

c. ID System Directory:

$9.00 [5.00] per directory plus postage where applicable.

2. Delivery Orders (book-entry deliveries and settlement) on Paper Forms:

a. For Corporate and Registered Municipal issues:

$1.70 [.70] for each item delivered; $.40 for each item received.

b. For Bearer Municipal issues:

$2.50 [1.50] for each item delivered; $1.50 for each item received.

3. Dropped Deliveries:

For each Deliver Order not completed due to insufficient position in a Participant's account unless DTC's system shows the submitting Participants' drop was caused by notice of potential receive of a delivery from another Participant which subsequently dropped:

$4.00 [2.00] for each dropped item.

4. Usage Charge:

a. For each Participant account:

$320.00 [260.00] per month.

b. For each non-Participant Pledgee Bank account:

$320.00 [260.00] per month.

c. *For each Pledgee Bank that is also a Participant:*

$160 per month.

5. Deposits:

For each deposit of Corporate and Registered Municipal issues received between 12:00 noon and 1:00 P.M. after Zone C period ends:

Zone D: 12:00 noon to 1:00 p.m.—$35.00 per deposit plus a certificate charge.

6. Certificates-on-Demand (COD) (Urgent withdrawals):

Unclaimed withdrawals of Corporate and Registered Municipal issues:

$15.00 (when not picked up during the day for which the withdrawal was ordered).

7. Bearer Municipal Bond Interest Payments:

$2.00 [1.00] per credit.

8. Eligible Securities Booklets, Corporate series and Municipal series:

$7.50 [5.00] for first 30 booklets, *$5.00* [3.00] for next 470, and *$3.50* [1.50] for quantities over 500 in one series.

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[1] An intermediary acting for a broker, clearing agent or investment manager in receiving confirm activity from DTC or transmitting affirm activity to DTC will be billed the applicable fee.

[2] This fee is shared equally by the broker and clearing agent for investment manager trades made by other than a trust department of direct and indirect depository participants.

If booklets in the other series also are ordered, *$5.00* [3.00] for the first 30 booklets, *$4.00* [2.00] for next 470, and *$3.50* [1.50] for quantities over 500. [Unchanged fees are omitted here.]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The purpose of the proposed rule change, which will be effective for services provided after June 30, 1984, is to increase the fees charged to Participants for certain services in order to better reflect DTC's costs of furnishing those services as well as to provide additional revenues to DTC. DTC's revenues are in a large part a function of transaction volume growing out of trading volume. While trading volume has been relatively high in 1984, transaction volume has generated less processing activity in 1984 than DTC had assumed in preparing its 1984 budget.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to DTC because the fees will be equitably allocated among DTC Participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

DTC solicited comments on all of the proposed fee changes referred to above.

DTC received a total of thirty-five letters of comment from thirty-one of DTC's Participants and four industry associations. Most of the commentators either approved of, or did not object to, most of the proposed fee changes and, except as discussed below, the objections did not focus on any particular fee.

Several of the commentators, including two industry associations, opposed a new fee which had been proposed for the Dividend Record Date Notice Report. This report is provided to Participants on the first business day following the dividend record date for issues in which they have position. Based on the comments, DTC has decided to continued to provide this report without charge.

DTC had also proposed that a Participant which is also a Pledgee Bank pay monthly Usage Charges for both its Participant account and its Pledgee Bank account. Several Participants objected that the proposed increase for the Pledgee Bank account, from no charge to $320, would be excessive, especially since DTC had proposed to increase the Usage Charge for a Participant account to $320 from $260. In light of these comments, DTC will limit the amount of the Usage Charge for a Participant's Pledgee Bank account to $160.

A number of banks and broker-dealers located outside New York City were concerned that their daily deposit shipment to DTC would occasionally fall into Zone D for reasons beyond their control. The Zone A charge will continue to apply to deposit shipments to DTC from outside New York City, whether or not they are delayed.

A number of commentators expressed approval for those proposed fee increases which are intended in part to encourage more efficient use of DTC's facilities. DTC accepted the recommendation made by some that it impose an even higher charge for the submission of paper DOs than had been proposed originally.

A few Participants commented on DTC's efforts to reduce costs. Cost containment steps were begun early this year, when transaction volume turned down. Close adherence to measured work standards in the major clerical operations and changes in clerical processing have held full-time staff as of June 30 at a point 8% below budget, and a number of persons previously assigned to registered securities processing functions were shifted to the growing municipal bond programs.

In late 1984, DTC plans to conduct a detailed cost study to develop updated unit costs for DTC's major services. This study will enable DTC to adjust service fees to their estimated service costs early in 1985.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (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 Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested person are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the Submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the prinicpal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 31, 1984. For the Commision, by the Division of Market Regulation pursuant to delegated authority.

Dated: August 3, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–21243 Filed 8–9–84; 8:45 am]

BILLING CODE 8010–10–M

[Release No. 34—21205; File No. SR-NYSE-84-25]

Self-Regulatory Organizations; Proposed Rule Change By New York Stock Exchange, Inc.; Consisting of Procedures To Be Followed for Conducting a Pilot Test of a New Alpha Badge Symbol on the Floor of the New York Stock Exchange

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 11, 1984, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change is intended to learn if the trading process can be simplified and the audit trail process enhanced by reducing the amount of information that must be recorded at the time of the trade. It is also expected that the pilot will furnish information necessary to formulate plans for a Floor Derived Comparison Pilot.

The key aspects of the procedures are:

(i) The pilot participants will be four members of Pershing & Company and one member of Donaldson, Lufkin & Jenrette Securities Corporation. These five members will be wearing new badges with alpha symbol identifiers rather than numeric identifiers and will be assigned their own clearing number.

(ii) When a member executes a transaction with one of the five pilot participants, the member will capture and reocrd the pilot participants' alpha identifier. He will not record the pilot participants numeric identifier or his clearing firm's alpha give-up.

(iii) Each Exchange member firm that is also a member of a Qualified Clearing Agency as defined in Exchange Rule 132 must update their master files with the new symbols and clearing numbers and submit this data to a Qualified Clearing Agency for comparison and clearance in accordance with the proposed rule changes.

(iv) The Qualified Clearing Agency will utilize an internal file to convert the pilot participants new clearing numbers into the clearing number of the pilot participants clearing member organization of comparison purposes. The clearing member organization of the pilot participants will assume responsibility for all obligations of the pilot participants.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The purpose of the rule change proposed by the Exchange is to enable it to glean valuable information as to ways of improving methods of simplifying the trading process, enhancing the audit trail process by reducing the amount of information that must be recorded at the time of the trade, and developing information that will lead to the development of a Floor Derived Comparison Pilot.

The procedures for the proposed alpha badge pilot are intended as "rules" and therefore constitute a "proposed rule change" within the meaning of SEC Rule 19b–4. If approved by the Commission, they would supersede any existing rules of the Exchange inconsistent therewith, including Rule 303.40.

If the proposed rule change is approved by the Commission, it is expected that the alpha symbol badge pilot will begin shortly after the Exchange has received notification of such approval. The pilot will be run for six to eight weeks after start-up, but the Exchange may also terminate the pilot at any time.

(2) *Statutory Basis for the Proposed Rule Change.* It is anticipated that experience with the pilot will enable the Exchange to better carry out the purposes of the Securities Exchange Act of 1934 regarding facilitating transactions in securities, promoting efficient executions and provide more efficient clearance and settlement of transactions as enunciated in Section 6(b)(5), Section 11(a)(1), and Section 11(A)(a)(1).

The pilot's objective of prompt and accurate clearance and settlement of transactions through the use of enhanced data processing techniques also enhances the purposes of the Act as set forth in section 17(A)(a).

(B) Self-Regulatory Organization's Statement on Burden of Competition

The Exchange does not perceive any burden on competition not necessary to further the purposes of the Act that will be imposed by the alpha badge pilot test.

(C) Self-Regulatory Organization's Statement on Comments of the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited written comments on this rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation

Interested persons are invited to submit written data, views and arguments concening the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file

number in the caption above and should be submitted by August 31, 1984.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: August 3, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21248 Filed 8-9-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21207; SR-PSE-84-11]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

August 3, 1984.

The Pacific Stock Exchange, Inc. ("PSE"), 618 South Spring Street, Los Angeles, CA 90014, submitted on June 4, 1984, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend Sections 75 and 79 of Rule VI, and Options Floor Procedure Advice B-5. These amendments relate to the obligations of market-makers and provide, in pertinent part, that a market-maker's principal assigment will extend to a primary zone consisting of several posts, rather than a single post. The zone system will require every market-maker present in the primary zone to assist the floor broker in satisfying his order in the event the floor broker is unable to satisfy it from bids and offers given in the crowd. PSE asserts that the zone system will increase the number of market-makers primarily assigned to each option, thereby improving liquidity. Additionally, the amendments will reduce the maximum bid ask differentials in all series of options.

The proposed rule change also eliminates the current market-maker attendance requirement and replaces it with the requirement that market-makers execute 40% of their transactions in-person on the floor of the exchange. To date, the rules of the exchange have required market-makers to be in attendance at their primary post at least 50% of the trading days, and 50% of the opening rotations, during a calendar quarter. Under the proposed rule change, at least 40% of a market-maker's transactions must be executed in-person on the floor, and orders executed for a market-maker through a floor broker will not be credited toward the 40% requirement. The elimination of attendance requirements reflects the exchange's belief that the in-person trading requirement is a better method of enforcing market-maker obligations that the existing attendance rules.[1]

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by the issuance of a Commission Release (Securities Exchange Act Release No. 34-21094, June 22, 1984) and by publication in the **Federal Register** (49 FR 26851, June 29, 1984). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a self-regulatory organization and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21245 Filed 8-9-84; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES EXCHANGE COMMISSION

[Release No. 21215; File Nos. SR-SCCP-84-5 and SR Philadep-84-4]

Self-Regulatory Organizations; Order Approving Proposed Rule Changes of Stock Clearing Corp. of Philadelphia and Philadelphia Depository Trust Co.

August 3, 1984.

On June 11, 1984, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), the Stock Clearing Corporation of Philadelphia ("SCCP") and the Philadelphia Depository Trust Company ("Philadep") filed with the Commission proposed rule changes that would remove management related individuals from each clearing agency's Audit Committee. Notice of the filings was published in Securities Exchange Act Release No. 21100 (June 26, 1984), 49 FR 27230 (July 2, 1984). No comment has been received on the proposed rule changes. For the reasons discussed below, the Commission is approving SCCP's and Philadep's proposed rule changes.

The proposed rule changes amend SCCP's and Philadep's By-Laws [1] to provide that the Chairman of the Board and the President of SCCP and Philadep cannot be *ex offico* members of their respective clearing agency's Audit Committee. The By-laws currently provide that SCCP's and Philadep's Chairman and President shall be *ex offico* members of their clearing agency's Audit Committee. The proposed rule changes also include a stated policy that authorizes the Audit Committee: (1) To invite the Chairman of the Board and President to participate in its meetings; and (2) to meet at least once each year with independent auditors without the presence of management related individuals of the clearing agency or the Philadelphia Stock Exchange, Inc. ("Phlx"—SCCP's and Philadep's parent corporation).[2]

SCCP and Philadep state in their filings that the proposed rule changes are intended to comply with standards announced by the Division for use in reviewing applications for clearing agency registration under the Act (the "Standards").[3] The Standards state that a clearing agency's Audit Committee should be composed of non-management directors.[4] SCCP's and Philadep's

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[1] The Commission recently approved on a one-year pilot basis a proposed rule change by the Chicago Board Options Exchange, Incorporated ("CBOE") which requires, among other things, that 25% of a market-maker's total options transactions be executed in-person. *See* File No. SR-CBOE-80-16, Securities Exchange Act of 1934 Release No. 34-21008 (June 1, 1984). The CBOE has committed to report to the Commission on its experience under the pilot program. PSE has indicated to the Commission its willingness to study any relevant findings that may be made as a result of CBOE's pilot program.

[1] Article IV, section 8 and Article VI, section 4 of SCCP's and Philadep's By-Laws.

[2] Stated Policies to Article VI, section 4 of SCCP's and Philadep's By-Laws. SCCP and Philadep state in a letter to the Division of Market Regulation (the "Division") that they envision that management individuals may be invited to Audit Committee meetings, but will be excluded from a number of regularly scheduled Audit Committee meetings, including the meeting designed to discuss the results of the annual audit examination. Letter from William N. Briggs, Jr., Senior Vice President, SCCP, to the Division (June 21, 1984). File Nos. SR-SCCP-84-5 and SR-Philadep-84-4.

[3] *See* Securities Exchange Act Release No. 16900 (June 17, 1980), 45 FR 41920 (June 23, 1980). Section 17A(b)(3) of the Act requires the Commission, before granting registration, to make several determinations with respect to a clearing agency's organization, capacity and rules. The Division published the Standards to provide guidance to clearing agencies in structuring their organization, systems and rules to comply with Section 17A(b)(3). The Commission subsequently granted SCCP and Philadep full registration as clearing agencies in Securities Exchange Act Release No. 20221 (September 23, 1983), 48 FR 45167 (October 3, 1983). As noted in that Order, each clearing agency must continue to satisfy the Act's requirements and the Standards. Securities Exchange Release No. 20221 at 45171.

[4] *See* Securities Exchange Act Relese No. 16900 at 38-39 nn. 33-34, 45 FR at 41926, for a detailed discussion of who qualifies as a "non-management" director for the purpose of serving on a clearing agency audit committee.

Chairman and President qualify as management directors. The proposed rule changes remove these individuals from SCCP's and Philadep's Audit Committees and, accordingly, comply with the Standards. The Commission agrees with SCCP and Philadep that the proposed rule changes should enhance open and free-flowing communication between the clearing agencies' Audit Committees and their independent public accountants, as contempalted by the Standards.[5]

On the basis of the foregoing, the Commission finds that the proposed rule changes are consistent with Section 17A of the Act because they will facilitate the safeguarding of securities and funds in SCCP's and Philadep's custody or control or for which they are responsible.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that SCCP's and Philadep's proposed rule changes be, and hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21246 Filed 8-9-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21204; File No. SR-NYSE-84-29]

Self-Regulatory Organizations; Proposed Rule Changes by New York Stock Exchange, Inc.

Proposed amendments to Articles II, III, IV, V, VII and XVIII of the Exchange Constitution to create the position of executive vice chairman of the Board of Directors, to provide that the executive vice chairman be a director, and make related changes:

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 30, 1984 the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule changes as described in Items, I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

[5] *Id.* at 40, 45 FR 41926.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

Proposed amendments to Articles II, III, IV, V, VII and XVIII of the Exchange Constitution to create the position of executive vice chairman of the Board of Directors, to provide that the executive vice chairman be a director, and make related changes.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis, the Proposed Rule Changes

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis, the Proposed Rule Changes

The purpose of the proposed constitutional amendments is to create the position of excutive vice chairman of the Board of Directors, and to provide that the executive vice chairman be a director. The amendments also grant the Board of Directors authority to determine the functions and responsibilities of the vice chairmen and require that if the chairman or executive vice chairmen are members of the Exchange at the time of their election, they must dispose of their memberships by either sale or lease. Finally the amendments eliminate the requirement that the Board meet at a particular time on the date specified for its annual meeting. These amendments are designed to strengthen the organizational structure of the Exchange and to ensure the Exchange's continuing ability to operate with maximum effectiveness.

B. Statutory Basis for the Proposed Rule Changes

The proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder as applicable to the Exchange. In particular, they are consistent with Section 6(b)(1) of the Act requiring that the Exchange be so organized and have the capacity to be able to carry out the purposes of the act and with Section 6(b)(3) requiring the Exchange to assure fair representation of its members in the selection of its directors and administration of its affairs.

C. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes do not impose any burden on competition.

D. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

The foregoing rule changes have become effective pursuant to Section 19(b)(3) of the Securities and Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed Rule changes, the Commission may summarily abrogate such action 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 purpose of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 31, 1984.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary

[FR Doc. 84-21303 Filed 8-9-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent to Prepare an Environmental Impact Statement; Proposed New Airport to Replace the Ruidoso Municipal Airport, Ruidoso, NM

The Federal Aviation Administration (FAA) intends to prepare an Environmental Impact Statement (EIS) for the proposed construction of a new airport to replace the Ruidoso Municipal Airport, Ruidoso, New Mexico. The airport would be a transport category airport with ultimate development of a 12,900-foot primary runway with precision instrumentation and a crosswind runway.

Possible alternatives includes alternative sites as identified in a site selection study and the alternative of taking no action with respect to a new airport, which could involve utilization of outlying existing airports.

The Bureau of Land Management will be a cooperating agency with FAA in preparation of this EIS.

The FAA intends to consult and coordinate with Federal, State, and local agencies which have jurisdiction by law or have special expertise with respect to any environmental impacts associated with the proposed project. To solicit input, two scoping meetings are being scheduled. The first will be August 29, 1984, in the Village Council Chambers of the Municipal Building, Ruidoso, New Mexico, from 1–3 p.m. and 7–9 p.m. The second meeting will be August 30, 1984, in the City Hall Conference Room, Carrizozo, New Mexico, from 1–3 p.m. and 7–9 p.m. Interested persons and agencies are invited to attend the scoping meeting to identify those issues which may have significant environmental impacts.

Persons interested in attending the meeting or those who desire additional information should contact Mr. Bill Howard, Manager, FAA Airports District Office, 2930 Yale, Se Room 109A, Albuquerque, New Mexico 87106, telephone (505) 766–2685.

Dated: August 2, 1984.

Richard L. Rodine,

Acting Manager, Planning and Programming Branch.

[FR Doc. 84-21314 Filed 8-9-84; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-84-14]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: August 30, 1984.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No.———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916 FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on August 3, 1984.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
24159	Aero Peru	14 CFR 91.303	To allow petitioner to operate two Stage 1 DC–8 aircraft in noncompliance with the operating noise limits until no later than January 1, 1988.
24155	Department of the Navy	14 CFR 91.73(a)	To obtain relief from FAA lighting requirements, under this section, for accomplishment of drug enforcement operations.
24177	Arthur J. Steadman	14 CFR 121.383(c)	To allow petitioner to serve as a pilot in Part 121 operations after reaching his 60th birthday.
24170	AEROCARGO S.A.	14 CFR 91.303	To allow petitioner to operate on Stage 1 DC–8–55F aircraft until January 1, 1988, in noncompliance with the operating noise limits.
22767	Eastern Metro Express	14 CFR 25.815	To permit supplemental type certification of the British Aerospace Model 3101 Jetstream without complying with this section.
15194 and 21794	Compania Mexicana de Aviation, S.A.	14 CFR Parts of § 61.63, and 91; 14 CFR portions of Parts 21, 43, and 91.	To combine the provisions of Exemptions 2195, as amended, and 3261, as amended, into a single exemption. These exemptions allow petitioner to operate B–727 and DC–10 aircraft, respectively, utilizing an FAA-approved minimum equipment list.
24111	Ronald G. Shelly	14 CFR 21.187	To allow the operation of an experimental/standard category aircraft to use the provisions of this section which applies only to restricted category aircraft.
24152	Aetna/Cigna Flight Operations	14 CFR Parts 21 and 91	To allow the operation of S–76 and HS–125–700A aircraft utilizing FAA-approved minimum equipment lists.
24109	Trans-Air Link Corp.	14 CFR 121.61(d)	To allow Mr. B. G. Peterson's position to be changed from Director of Maintenance to Chief Inspector without having held his current FAA Airframe and Powerplant Certificate for 3 years.
24148	American Airlines Flight Academy	14 CFR 61.157(e)	To allow petitioner to use its Phase II simulators instead of aircraft for certain pilot training and flight checks of pilots not employed by petitioner.
24097	New England Airlines, Inc.	14 CFR 135.243(a)	To allow petitioner to conduct commuter air carrier operations on its Westerly-Block Island-Westerly route carrying nine passengers or less utilizing pilots who do not hold airline transport pilot certificates.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
24160	Caterpiller Tractor Co.	14 CFR Parts 21 & 91	To allow petitioner to operate HS-125-700 aircraft utilizing the provisions of a minimum equipment list.
23392	Beaver Aviation Service, Inc.	14 CFR 141.91(a)	To extend Exemption 3682, which expires January 1, 1985, which allows petitioner to conduct flight training at a location more than 25 miles from the main base of operation.
15590	Embry-Riddle Aeronautical University	14 CFR Part 141, Appendices A, C, D, F, and H.	To extend Exemption 2329, as amended, which expires August 31. This exemption allows petitioner to train certain students to a performance standard without meeting the prescribed minimum flight time.
24158	Hawaii Pacific Helicopters, Inc.	14 CFR 45.29	To allow petitioner to operate a Bell B206B helicopter displaying 4-inch numbers instead of the required 12-inch numbers.
24142	General Electric Co.	14 CFR 21.181 and 91.27	To allow petitioner to operate Canadair CL-600-2A12 utilizing the provisions of a minimum equipment list.
24141	Xerox Corp.	14 CFR 21.181 and 91.27	To allow petitioner to operate Canadair CL-600 aircraft utilizing the provisions of a minimum equipment list.

[FR Doc. 84-21203 Filed 8-9-84; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Ventura County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Withdrawal of Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Final Environmental Impact Statement will not be prepared for the operational improvement of the Ventura Freeway/SR101, Los Angeles and Ventura Counties.

FOR FURTHER INFORMATION CONTACT: Glenn Clinton, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone (916) 440-2804.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans) prepared a Draft Environmental Statement (FHWA-CA-EIS-82-03-D) for an operational study for the Ventura Freeway/SR101 in Los Angeles and Ventura Counties. The Notice of Availability appeared in the **Federal Register** on October 29, 1982.

The recommendation alternative is for operational improvements within existing right-of-way and has been determined to have no significant adverse effects on the environment. FHWA has made a Finding of No Significant Impact for this project.

Issued on: July 31, 1984.

Glenn Clinton,

District Engineer, Sacramento, California.

[FR Doc. 84-21240 Filed 8-9-84; 8:45 am]
BILLING CODE 4910-22-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transporation's Hazardous Materials regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in July 1984. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Renewal and Party to Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
1479-X	DOT-E 1479	U.S. Department of Defense, Washington, DC.	49 CFR 173.315(a)(1)	To authorize use of non-DOT specification cargo tanks, for transportation of liquefied fluorine and mixture of liquefied fluorine and liquefied oxygen. (Mode 1.)
1479-X	DOT-E 1479	Allied Chemical, Morristown, NJ	49 CFR 173.315(a)(1)	To authorize use of non-DOT specification cargo tanks, for transportation of liquefied fluorine and mixture of liquefied fluorine and liquefied oxygen. (Mode 1.)
3004-X	DOT-E 3004	Liquid Air Corp., San Francisco, CA	49 CFR 173.302, 175.3	To authorize use of a non-DOT specification cylinder, for transportation of certain flammable, and nonflammable compressed gases. (Modes 1, 2, 4, and 5.)
3004-X	DOT-E 3004	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.302, 175.3	To authorize use of a non-DOT specification cylinder, for transportation of certain flammable, and nonflammable compressed gases. (Modes 1, 2, 4, and 5.)
3004-X	DOT-E 3004	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.302, 175.3	To authorize use of a non-DOT specification cylinder, for transportation of certain flammable, and nonflammable compressed gases. (Modes 1, 2, 4, and 5.)
3004-X	DOT-E 3004	Union Carbide Corp., Danbury, CT	49 CFR 173.302, 175.3	To authorize use of a non-DOT specification cylinder, for transportation of certain flammable, and nonflammable compressed gases. (Modes 1, 2, 4, and 5.)
3004-X	DOT-E 3004	U.S. Department of Defense, Washington, DC.	49 CFR 173.302, 175.3	To authorize use of a non-DOT specification cylinder, for transportation of certain flammable, and nonflammable compressed gases. (Modes 1, 2, 4, and 5.)

Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3142-X	DOT-E 3142	U.S. Department of Energy, Washington, DC.	49 CFR 173.24(a)(1)	To authorize shipment of nonflammable compressed gases in DOT Specification 3A1800 or 3A2000 cylinders, from which a controlled flow of gas is released to a leak calibration apparatus. (Modes 1 and 2.)
3302-X	DOT-E 3302	Liquid Air Corp., San Francisco, CA	49 CFR 173.302, 175.3	To authorize use of a non-DOT specification sampling bottles cylinders, for transportation of certain nonflammable gases. (Modes 1, 2, 3, and 4.)
4282-X	DOT-E 4282	Hercules, Inc., Wilmington, DE	49 CFR 172.101, 173.114a, 173.93(a)	To authorize use of privately owned and specially designed cargo tanks, for transportation of a Class B explosive and oxidizer. (Mode 1.)
4588-X	DOT-E 4588	U.S. Department of Energy, Washington, DC.	49 CFR 173.65(a)	To authorize use of packaging not presently prescribed for certain high explosives. (Mode 1.)
4850-X	DOT-E 4850	Ensign Bickford Co., Simsbury, CT	49 CFR 173.100(cc), 175.3	To authorize shipment of flexible linear shaped charges, metal clad, in 100' lengths, containing not more than 50 grains per lineal foot of high explosive. (Modes 1, 2, and 4.)
4850-P	DOT-E 4850	Owen Oil Tools, Inc., Fort Worth, TX	49 CFR 173.100(cc), 175.3	To become a party to Exemption 4850. (Modes 1, 2, and 4.)
4850-X	DOT-E 4850	Halliburton Services, Inc., Duncan, OK	49 CFR 173.100)cc), 175.3	To renew and to authorize detonating cords, metal clad as additional commodity. (Modes 1, 2, and 4.)
4850-X	DOT-E 4850	Pengo Industries, Inc., Fort Worth, TX	49 CFR 173.100(cc), 175.3	To authorize shipment of flexible linear shaped charges, metal clad, in 100' lengths, containing not more than 50 grains per lineal foot of high explosive. (Modes 1, 2, and 4.)
4850-P	DOT-E 4850	GOEX, Inc., Cleburne, TX	49 CFR 173.100(cc), 175.3	To become a party to Exemption 4850. (Modes 1, 2, and 4.)
5232-X	DOT-E 5232	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.314(c) table	To authorize shipment of certain flammable and nonflammable liquefied compressed gases in AAR Specification 120A300W tank cars, and DOT Specification 105A500W tank cars. (Mode 2.)
5704-X	DOT-E 5704	Hercules, Inc., Wilmington, DE	49 CFR 173.62, 173.93(e)	To authorize transport of certain Class A and B explosives in prescribed non-DOT specification steel drums (Modes 1, 2, and 3.)
5704-X	DOT-E 5704	Trojan Corp., Spanish Fork, UT	49 CFR 173.62, 173.93(e)	To authorize transport of certain Class A and B explosives in prescribed non-DOT specification steel drums. (Modes 1, 2, and 3.)
6016-X	DOT-E 6016	Strate Welding Supply Co., Inc., Buffalo, NY.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6071-X	DOT-E 6071	Walter Kidde, Wilson, NC	49 CFR 173.304, 173.305, 175.3	To authorize use of non-DOT specification pressure vessels, for transportation of nonflammable compressed gases. (Modes 1, 2, 4, and 5.)
6080-X	DOT-E 6080	U.S. Department of Energy, Washington, DC.	49 CFR 173.301(d), 173.327(a), 173.337(a)(1).	To authorize use of manifolded cylinders, for transportation of a Class A poison. (Mode 1.)
6325-P	DOT-E 6325	Wampum Hardware Co., New Galilee, PA	49 CFR 173.154(a)	To become a party to Exemption 6325. (Mode 1.)
6472-X	DOT-E 6472	Morton Thiokol, Inc., Ogden, UT	49 CFR 173.91	To authorize use of non-DOT specification polystyrene containers, for transportation of certain Class B explosives. (Modes 1, 2, and 3.)
6484-X	DOT-E 6484	Dow Chemical Co., Midland, MI	49 CFR 172.101	To authorize transport of mixtures of nitromethane and various solvents in DOT Specification MC-307 or MC-312 tank motor vehicles. (Mode 1.)
6497-X	DOT-E 6497	FMC Corp., Middleport, NY	49 CFR 173.365, 174.63(c)	To authorize use of modified DOT Specification 56 portable tank, for transportation of Class B poison solids. (Modes 1 and 2.)
6518-X	DOT-E 6518	Stauffer Chemical Co., Westport, CT	49 CFR 172,101, 172.302, 173.119, 173.134, 173.154.	To authorize shipment of specified pyrophoric liquids and solids, water reactive solid and certain other flammable liquids, in non-DOT specification steel portable tanks or cylinders. (Modes 1 and 3.)
6518-X	DOT-E 6518	Union Carbide Corp., Danbury, CT	49 CFR 172.101, 172.302, 173.119, 173.134, 173.154.	To authorize shipment of specified pyrophoric liquids and solids, water reactive solid and certain other flammable liquids, in non-DOT specification steel portable tanks or cylinders. (Modes 1 and 3.)
6652-X	DOT-E 6652	Garrett Pneumatic Systems Division, Tempe, AZ.	49 CFR 173.302(a)(1), 175.3	To authorize manufacture, marking and sale of non-DOT specification filament-wound fiberglass reinforced plastic cylinder, for transportation of certain compressed gases. (Modes 1 and 4.)
6653-X	DOT-E 6653	Shell Oil Co., Houston, TX	49 CFR 172.101, 173.245, 173.358	To authorize shipment of an insecticide or a corrosive material, in DOT Specification 6D, removable head, 55-gallon cylindrical steel overpack. (Modes 1, 2, and 3.)
6670-X	DOT-E 6670	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.301(d), 173.302	To authorize shipment of tetrafluoromethane, in DOT Specification 3A2400, 3AA2400, 3AX2400 and 3AAX2400 cylinders. (Modes 1.)
6758-X	DOT-E 6758	Roper Plastics, Inc., Forest Park, GA	49 CFR 178.19, Part 173 Subpart D, Part 173 Subpart F.	To authorize manufacture, marking and sale of non-DOT specification removable head polyethylene drums, for transportation of corrosive and flammable liquids. (Modes 1, 2, and 3.)
6762-P	DOT-E 6762	Main Line Distributors, Inc., King of Prussia, PA.	49 CFR 173.286(b)(2), 175.3	To become a party to Exemption 6762. (Modes 1, 2, 3, and 4.)
6772-X	DOT-E 6772	Monsanto Co., Saint Louis, MO	49 CFR 173.119(a)(22), 173.245, 173.264(a), 173.346, 173.349, 173.369.	To authorize transport of limited quantities of waste flammable, poisonous and corrosive liquids in inside glass or compatible plastic bottles or metal can, overpacked in a DOT Specification 17H steel drum. (Modes 1.)
6929-X	DOT-E 6929	U.S. Department of Energy, Washington, DC.	49 CFR 173.88(e)(2)(ii), 173.92(b)	To authorize shipment of a Class B explosive in rocket motors in a propulsive state. (Modes 1 and 3.)
7026-X	DOT-E 7026	Walter Kidde, Wilson, NC	49 CFR 173.304(a)(1), 175.3, 178.47	To authorize manufacture, marking and sale of a non-DOT specification welded steel pressure vessel, for transportation of a compressed gas. (Modes 1, 2, 4, and 5.)
7052-X	DOT-E 7052	Tadiran-Israel Electronics Industries, Ltd., Rehovot, Israel.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as a flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Ferranti O.R.E. Inc., Falmouth, MA	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as a flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	NAECO Associates, Inc., Arlington, VA	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as a flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	General Electric Co., Philadelphia, PA	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as a flammable solids. (Modes 1, 2, 3, and 4.)
7060-X	DOT-E 7060	Federal Express Corp., Memphis, TN	49 CFR 175.702(b), 175.75(a)(3)(ii)	To authorize carriage of non-fissile radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met. (Mode 4.)
7060-X	DOT-E 7060	Sajen Air, Inc., Manchester, NH	49 CFR 175.702(b), 175.75(a)(3)(ii)	To authorize carriage of non-fissile radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met. (Mode 4.)

Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7060-X	DOT-E 7060	Central Skyport, Inc., Columbus, OH	49 CFR 175.702(b), 175.75(a)(3)(ii)	To authorize carriage of non-fissile radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met. (Mode 4.)
7060-X	DOT-E 7060	Charles R. Wall, d.b.a. HZm RAM Air, Cornelius, OR.	49 CFR 175.702(b), 175.75(a)(3)(ii)	To authorize carriage of non-fissile radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met. (Mode 4.)
7259-X	DOT-E 7259	Monsanto Co., Saint Louis, MO	49 CFR 176.76(g)(5)	To authorize use of DOT Specification 56 aluminum portable tanks, for shipment of phosphorous pentasulfide by cargo vessel. (Mode 3.)
7477-X	DOT-E 7477	Systron Donner Corp., Concord, CA	49 CFR 173.302(a)(1), 173.304(a)(1), 175.3.	To authorize use of non-DOT specification seamless aluminum cylinders, for transportation of certain nonflammable compressed gases. (Modes 1, 2, 3, and 4.)
7538-X	DOT-E 7538	Southern Chemical Products Co., Macon, GA.	49 CFR 178.19, Part 173, Subpart F	To authorize manufacture, marking and sale of non-DOT specification reusable rotationally molded polyethylene container, for transportation of corrosive liquids. (Modes 1, 2, and 3.)
7573-X	DOT-E 7573	U.S. Department of Defense, Washington, DC.	49 CFR Part 107, Subpart B, Part 172, Part 175.	To authorize transport of certain hazardous materials presently forbidden or in quantities greater than allowed for cargo-only aircraft. (Mode 4.)
7601-X	DOT-E 7601	Atlantic Research Corp., Gainesville, VA	49 CFR 173.53(e), 173.62	To authorize shipment of densensitized nitroglycerin in non-DOT specification inside containers. (Mode 1.)
7640-X	DOT-E 7640	Mauser Packaging, Ltd., New York, NY	49 CFR 173.266(a), 178.19	To authorize use of a DOT-34 polyethylene container of 15 gallon capacity, for shipment of hydrogen peroxide, 60%. (Modes 1, 2, and 3.)
7741-X	DOT-E 7741	Bell Aerospace Textron, Buffalo, NY	49 CFR 173.276(a), 173.302(a), 173.34(d), 175.3, 175.30.	To authorize shipment of anhydrous hydrazine and helium in non-refillable non-DOT specification cylinders. (Modes 1, 3, and 4.)
7802-X	DOT-E 7802	Bennett Industries, Peotone, IL	49 CFR Part 173, Subpart D, F	To authorize shipment of liquid hazardous materials in non-DOT specification 3.5 or 5 gallon capacity removable head polyethylene drums. (Modes 1, 2, and 3.)
7811-X	DOT-E 7811	J.T. Baker Chemical Co., Phillipsburg, NJ	49 CFR 173.119(a)(23), 173.245(a)(18), 173.346(a)(21), 173.347(a)(8), 175.3, 178.210.	To authorize use of DOT Specification 12A corrugated fiberboard box with handholes, for shipment of certain corrosive, flammable, and Class B poisonous liquid. (Modes 1, 2, 3, and 4.)
7823-X	DOT-E 7823	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.246	To authorize transport of iodine pentafluoride in non-DOT specification welded stainless steel cylinders complying with DOT Specification 4BW with certain exceptions. (Modes 1, 2, and 3.)
7891-X	DOT-E 7891	Fisher Scientific Co., Fair Lawn, NJ	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 172.504, Table 1, 173.126, 173.138, 173.237, 173.246, 173.25(a), 175.3.	To authorize transport of packages bearing the DANGEROUS WHEN WET label, in motor vehicles which are not placarded FLAMMABLE SOLID W. (Modes 1, 2, and 4.)
7891-X	DOT-E 7891	Reliance Electric Co., Cleveland, OH	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 172.504, Table 1, 173.126, 173.138, 173.237, 173.246, 173.25(a), 175.3.	To authorize transport of packages bearing the DANGEROUS WHEN WET label, in motor vehicles which are not placarded FLAMMABLE SOLID W. (Modes 1, 2, and 4.)
7909-X	DOT-E 7909	EMCO, Inc., Maumelle, AR	49 CFR 172.203, 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 173.345(a), 173.359(c), 173.364(a), 173.370(b), 173.370(d), 173.377(f), 175.3, 175.33.	To authorize manufacture, marking and sale of non-DOT specification plastic metal or plastic-coated glass containers, for transport of limited quantities of poisonous liquid and solids. (Modes 1, 2, and 4.)
7943-P	DOT-E 7943	Willard Products, Redwood City, CA	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	To become a party to Exemption 7943. (Mode 1.)
7943-X	DOT-E 7943	Hill Bros. Chemical Co., Tucson, AZ	49 CFR[a] 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	To authorize shipment of corrosive liquids in fiberboard boxes complying with DOT Specification 12B except for handholes in top flaps. (Mode 1.)
7971-X	DOT-E 7971	Walter Kidde, Wilson, NC	49 CFR 173.302, 173.304, 175.3, 178.53	To authorize manufacture, marking and sale of non-DOT specification cylinders, for transportation of nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
8006-X	DOT-E 8006	Kilgore Corp., Toone, TN	49 CFR 172.400(a), 172.504 Table 2	To authorize transport of unlabeled packages of toy paper or plastic caps complying with the requirements of 173.100(p) and 173.109, in motor vehicles with placards, when the gross weight of the caps is 1,000 pounds or more. (Mode 1.)
8013-X	DOT-E 8013	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.302, 173.304, 175.3	To authorize use of DOT Specification 4E cylinders, for transportation of certain nonliquefied flammable and nonflammable gases. (Modes 1, 4, and 5.)
8037-X	DOT-E 8037	Mauser Packaging, Ltd., New York, NY	49 CFR 173.127, 173.184, 178.224	To authorize manufacture, marking and sale of non-DOT specification fiberboard drums, for shipment of wet nitrocellulose. (Modes 1, 2, and 3.)
8074-X	DOT-E 8074	Matheson Gas Products, Inc., Secaucus, NJ.	49 CFR 173.34(d)	To authorize use of a DOT Specification 3E cylinder without safety devices, for transportation of certain flammable and nonflammable gases. (Modes 1, 2, 3, 4, and 5.)
8080-P	DOT-E 8080	American Chrome & Chemicals, Inc., Corpus Christi, TX.	49 CFR 173.164	To become a party to Exemption 8080. (Mode 2.)
8091-P	DOT-E 8091	Northwestern Bell, Omaha, NE	49 CFR Parts 100-177	To become a party to Exemption 8091. (Modes 4 and 5.)
8091-P	DOT-E 8091	Pacific Northwest Bell, Portland, OR	49 CFR Parts 100-177	To become a party to Exemption 8091. (Modes 4 and 5.)
8091-P	DOT-E 8091	Mountain Bell, Denver, CO	49 CFR Parts 100-177	To become a party to Exemption 8091. (Modes 4 and 5.)
8125-P	DOT-E 8125	Ermefer S.A., Geneva, Switzerland	49 CFR 173.123, 173.315	To become a party to Exemption 8125. (Modes 1, 2, and 3.)
8127-X	DOT-E 8127	Societe Nationale Des Poudres et Explosifs, Bergerac, France.	49 CFR 173.127, 173.184, 178.224	To authorize use of a non-DOT specification fiberboard drum, for shipment of wet nitrocellulose. (Modes 1, 2, and 3.)
8129-P	DOT-E 8129	Loma Linda University, Loma Linda, CA	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	The University of Iowa, Iowa City, IA	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	New Mexico State University, Las Cruces, NM.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	U.S. Department of Energy, Washington, DC.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	Polysar Inc., Leominster, MA	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	Eason & Smith Enterprise, Inc., Del City, OK.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	Arizona State University, Tempe, AZ	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	Cematco, Inc., Austin, TX	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)

Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8391-X	DOT-E 8391	Acurex Corp., Mountain View, CA	49 CFR 173.302(a)(1), 173.304(a)(1), 175.3.	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic full composite cylinders, for transportation of nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
8397-X	DOT-E 8397	Mauser Packaging, Ltd., New York, NY	49 CFR 173.154, 173.191, 173.217, 173.245b, 173.945, 178.16.	To authorize manufacture, marking and sale of non-DOT specification, nonreusable, molded polyethylene drums with fully removable head, for transportation of various dry hazardous materials. (Modes 1, 2, and 3.)
8414-X	DOT-E 8414	Fauvet-Girel, Paris, France	49 CFR 173.315	To authorize transport of certain nonflammable gases in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
8414-X	DOT-E 8414	SLEMI, Paris, France	49 CFR 173.315	To authorize transport of certain nonflammable gases in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
8436-X	DOT-E 8436	Pennwalt Corp., Buffalo, NY	49 CFR 173.119(m), 173.21	To authorize transport of a flammable liquid which is also an organic peroxide, in a DOT Specification MC-331 cargo tank. (Mode 1.)
8439-X	DOT-E 8439	Walter Kidde, Wilson, NC	49 CFR 173.302, 173.304, 175.3, 178.53	To authorize manufacture, marking and sale of non-DOT specification cylinders complying with DOT Specification 4DS, with certain exceptions, for shipment of various nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
8445-P	DOT-E 8445	Polysar, Inc., Leominster, MA	49 CFR Part 173, Subpart D, E, F, and H	To become a party to Exemption 8445. (Mode 1.)
8445-X	DOT-E 8445	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR Part 173 Subpart D, E, F, and H	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1.)
8445-P	DOT-E 8445	Ecollo, Inc., Bladensburg, MD	49 CFR Part 173, Subpart D, E, F, and H	To become a party to Exemption 8445. (Mode 1.)
8445-X	DOT-E 8445	Kerr-McGee Chemical Corp., Oklahoma City, OK.	49 CFR Part 173, Subpart D, E, F, and H	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1.)
8445-P	DOT-E 8445	U.S. Department of Energy, Washington, DC.	49 CFR Part 173, Subpart D, E, F, and H	To become a party to Exemption 8445. (Mode 1.)
8445-P	DOT-E 8445	Cematco, Inc., Austin, TX	49 CFR Part 173, Subpart D, E, F, and H	To become a party to Exemption 8445. (Mode 1.)
8445-X	DOT-E 8445	Monsanto Co., St. Louis, MO	49 CFR Part 173, Subpart D, E, F, and H	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, ovrepacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1.)
8445-X	DOT-E 8445	Union Carbide Agricultural Products Co., Danbury, CT.	49 CFR Part 173, Subpart D, E, F, and H	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1.)
8445-X	DOT-E 8445	Dow Chemical U.S.A., Midland, MI	49 CFR Part 173, Subpart D, E, F, and H	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1.)
8445-X	DOT-E 8445	McDonnell Douglas Corp., St. Louis, MO	49 CFR Part 173, Subpart D, E, F, and H	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1.)
8445-X	DOT-E 8445	SDS Biotech Corp., Painesville, OH	49 CFR Part 173, Subpart D, E, F, and H	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1.)
8445-X	DOT-E 8445	Owens-Corning Fiberglas Corp., Granville, OH.	49 CFR Part 173, Subpart D, E, F, and H	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1.)
8445-X	DOT-E 8445	FMC Corp., Princeton, NJ	49 CFR Part 173, Subpart D, E, F, and H	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1.)
8445-P	DOT-E 8445	Presbyterian Hospital Laboratory, Albuquerque, NM.	49 CFR Part 173, Subpart D, E, F, and H	To become a party to Exemption 8445. (Mode 1.)
8458-X	DOT-E 8458	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR Part 173.31(c), Table 1	To authorize conversion of DOT Specification 105A500W or 112A400W tank cars to a DOT Specification 111A100W2 tank car, for transportation of certain corrosive materials and oxidizers. (Mode 2.)
8549-X	DOT-E 8549	United Pumping Service, Inc., City of Industry, CA.	49 CFR Part 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To renew and to modify as a shipper oriented exemption rather than to manufacture, mark and sell. (Mode 1.)
8645-P	DOT-E 8645	Wampum Hardware Co., New Galilee, PA	49 CFR Part 173.154(a)(18)	To become a party to Exemption 8645. (Mode 1.)
8723-X	DOT-E 8723	Ireco Chemicals, Salt Lake City, UT	49 CFR Part 173.114a(n)(3)	To increase capacity of the AYC 266 repump truck from 12,000 pounds to 15,000 pounds, and to authorize an additional portable tank design. (Mode 1.)
8741-X	DOT-E 8741	Alpha Aviation, Inc., Dallas, TX	49 CFR Part 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8804-X	DOT-E 8804	Dynatrans AB, Gothenburg, Sweden	49 CFR Part 173.315	To authorize use of a non-DOT specification portable tank designed and constructed in accordance with DOT Specification 51 with certain exceptions, for transportation of liquified compressed gases. (Modes 1, 2, and 3.)
8820-X	DOT-E 8820	SLEMI, Paris, France	49 CFR Part 173.315	To authorize use of a non-DOT specification IMO Type 5 portable tank, for transportation of liquified compressed gases. (Modes 1, 2, and 3.)

Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8820-X	DOT-E 8820	ETS Fauvet-Girel St. Laurent Blangy, France.	49 CFR Part 173.315	To authorize use of a non-DOT specification IMO Type 5 portable tank, for transportation of liquified compressed gases. (Modes 1, 2, and 3.)
8824-X	DOT-E 8824	Pengo Industries, Inc., Fort Worth, TX	49 CFR Part 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A and B explosives that are not permitted for air shipment or in quantities greater than those prescribed for shipment by air. (Mode 4.)
8845-X	DOT-E 8845	Pengo Industries, Inc., Fort Worth, TX	49 CFR Part 173.110(c)(1), 173.80(b), 173.80(c).	To authorize transport of charged oil well jet perforating guns with detonators attached. (Modes 1 and 3.)
8850-X	DOT-E 8850	Hoover Universal, Inc., Beatrice, NE	49 CFR Part 173, Subpart D, E, F, H, K	To authorize manufacture, marking and sale of non-DOT specification stainless steel, cubical-shaped container, for shipment of those liquid hazardous materials for which DOT Specification 5, 5B, 5C or 17E drums are prescribed. (Modes 1, 2, and 3.)
8854-X	DOT-E 8854	ETS Fauvet Girel, Neuilly-Sur-Seine, France.	49 CFR 173.264(b)(4)	To authorize use of non-DOT specification IMO Type 5 portable tanks for transportation of anhydrous hydrofluoric acid. (Modes 1, 2, and 3.)
8854-X	DOT-E 8854	Campagnie des Containers Reservoirs (CCR), Paris, France.	49 CFR 173.264(b)(4)	To authorize use of non-DOT specification IMO Type 5 portable tanks for transportation of anhydrous hydrofluoric acid. (Modes 1, 2, and 3.)
8915-X	DOT-E 8915	Union Carbide Corp., Danbury, CT	49 CFR 173.301(d), 173.302(a)(3)	To authorize shipment of certain flammable and nonflammable compressed gases in DOT Specification 3A, 3AA, 3AX, 3AAX and 3T cylinders. (Modes 1 and 3.)
8943-X	DOT-E 8943	BASF Wyandotte Corp., Parsippany, NJ	49 CFR 173.154	To authorize shipment of a polyol filter cake classed as a flammable solid, in a non-DOT specification open top, metal cargo carrying box. (Mode 1.)
8971-X	DOT-E 8971	NL McCullough/NL Industries, Inc., Houston, TX.	49 CFR 172.101, column (4), 173.246, 175.3.	To modify cylinder by using one piece construction rather than three. (Modes 1, 2, 3, and 4.)
9016-X	DOT-E 9016	Van Leer Verpackungen GmbH, Hamburg, West Germany.	49 CFR 173.127, 173.175, 173.184, 178.224.	To authorize shipment of lacquer base, dry, flammable solid, in non-DOT specification drums without using the prescribed inside polyethylene bag. (Modes 1, 2, and 3.)
9048-X	DOT-E 9048	Emerson Electric Co., Statesboro, GA	49 CFR 173.119, 173.304, 173.315	To authorize two additional size mechanical displacement meter provers for shipment of hydrocarbon products. (Mode 1.)
9052-X	DOT-E 9052	Chemical Handling Equipment Co., Inc., Detroit, MI.	49 CFR 173.119, 173.125, 178.19, 178.253, Part 173, Subpart F.	To authorize an alternate wirebound hardwood enclosure surrounding the polyethylene tank; allow a 300 gallon capacity polyethylene tank; and manufacture, these polyethylene tanks with or without bottom outlet. (Modes 1, 2, and 3.)
9081-P	DOT-E 9081	M&T Chemicals, Inc., Baltimore, MD	49 CFR 173.164(a)(6)	To become a party to Exemption 9081. (Modes 1 and 2.)
9110-P	DOT-E 9110	KemaNord, Columbus, MS	49 CFR 173.163	To become a party to Exemption 9110. (Modes 1, 2, and 3.)
9169-P	DOT-E 9169	Isaac Cohen & Son, Inc., Ontario, CA	49 CFR 173.154	To become a party to Exemption 9169. (Modes 1 and 3.)

New Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9166-N	DOT-E 9166	The Composite Engineering Co., Laguna Beach, CA.	49 CFR 173.119(a), (m), 173.346(a), 178.340, 178.342, 178.343, Part 173, Subpart F.	To authorize manufacture, marking and sell of cargo tanks manufactured from glass fiber reinforced plastics, for transporation of flammable liquids, corrosive materials and poison B materials. (Mode 1.)
9186-N	DOT-E 9186	Alexco Industries, Texas City, TX	49 CFR 173.119(a) and (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification 307/312 except for bottom outlet value variations, for transportation of flammable, corrosive or poison B waste liquid or semi-solids. (Mode 1.)
9209-N	DOT-E 9209	Allied Chemical, Morristown, NJ	49 CFR 173.266(c)	To authorize shipment of hydrogen peroxide solution in water containing 29%-32% hydrogen peroxide by weight, in a DOT-12P fiberboard box containing one inside DOT-2U polyethylene container of not over five gallons or two inside DOT-2U polyethylene containers of not over 2-½ gallon capacity each. (Modes 1, 2, and 3.)
9230-N	DOT-E 9230	Nuclear Metals Inc., Concord, MA	49 CFR 173.208, 175.30	To authorize transport of titanium metal powder, dry, in two polyethylene bags overpacked in a DOT Specification 17H or 17C steel drums. (Modes 1, 2, 3, and 4.)
9233-N	DOT-E 9233	Diamond Shamrock Chemical Co., Irving, TX.	49 CFR 173.164	To authorize shipment of dry chromic acid, in a non-DOT specification 900-cubic-foot, two-compartment, sift-proof covered hopper type tank motor vehicle. (Mode 1.)
9242-N	DOT-E 9242	Monsanto Co. St. Louis, MO	49 CFR 173.365	To authorize use of a non-DOT specification portable tank, for a one-time shipment of a waste poisonous solid, n.o.s. for disposal. (Mode 1.)
9251-N	DOT-E 9251	Orchard Supply Co. Sacramento, Sacremento, CA.	49 CFR 173.121	To authorize use of ICC Specification 51 portable tanks, for transportation of a flammable liquid. (Mode 1.)

Emergency Exemptions

Application	Exemption	Applicant	Regulation(s)	Nature of exemption thereof
EE 8035-X	DOT-E 8035	NL McCullough/NL Industries, Inc., Houston, TX.	49 CFR 173.100(v), 173.112, 175.3	To authorize transport of limited quantities of certain propellant explosives in a plastic tube packed in a DOT Specification 12B fiberboard box. (Modes 1, 2, 3, and 4.)
EE 8509-P	DOT-E 8509	BASF Wyandotte Corp., Parsippany, NJ	49 CFR 173.263(a)(9), 179.201-1	To become a party to Exemption 8509. (Mode 2.)
EE 8673-X	DOT-E 8673	Mar Air, Anchorage, AK	49 CFR 172.101(6)(b), 175.30	To authorize limited shipment of inhibited hydorchloric acid solution in a DOT Specification 60 rubber lined portable tank. (Mode 4.)
EE 9284-N	DOT-E 9284	Mac Const., Inc., Oakwood, VA	49 CFR 173.315(a)	To authorize transport of gaseous methane, in a DOT Specification MC-330 or MC-331 carto tank motor vehicle. (Mode 1.)
EE 9287-N	DOT-E 9287	Shell Pipe Line Corp., Houston, TX	49 CFR 173.119, 173.304	To authorize use of non-DOT specification containers, for transportation of flammable liquids and gases. (Mode 1.)

WITHDRAWALS

Application	Applicant	Regulation(s) affected	Nature of exemption thereof
9024-X	ETS Fauvet-Girel, St Laurent Blangy, France	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tank, for transportation of liquefied compressed gases. (Modes 1, 2, and 3.)

Denials

9249-N Request by Corbin Sales Corporation, Cinnaminson, NJ to manufacture, mark and sell non-DOT specification filament wound reinforced plastic aluminum lined cylinder for shipment of various nonflammable compressed gases denied July 11, 1984.

Issued in Washington, DC, on August 6, 1984.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-21331 Filed 8-9-84; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 84-174]

Reimbursable Services; Excess Cost of Preclearance Operations

August 6, 1984.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning August 19, 1984.

Installation	Biweekly excess cost
Montreal, Canada	$18,602
Toronto, Canada	34,909
Kindley Field, Bermuda	7,323
Nassau, Bahama Islands	28,477
Vancouver, Canada	14,720
Winnipeg, Canada	3,795
Freeport, Bahama Islands	13,757
Calgary, Canada	12,177
Edmonton, Canada	6,563

D. Lynn Gordon,

Acting Comptroller.

[FR Doc. 84-21272 Filed 8-9-84; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 156
Friday, August 10, 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).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, August 14, 1984.

LOCATION: Third Floor Hearing Room, 111 18th Street NW., Washington, DC.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Unvented Gas-Fired Space Heaters: Final Revocation

The Commission will consider a proposed revocation of the Commission's mandatory standard requiring the oxygen depletion sensor on unvented gas-fired space heaters (16 CFR Part 1212).

2. Mattress Standard Amendment: Final Rule

The Commission will consider final amendments to the Mattress Flammability Standard, (16 CFR Part 1632).

3. Export Policy, CPSA & FHSA: Proposed Codification

The Commission will consider a draft **Federal Register** notice concerning the Commission's policy with regard to export of noncomplying, banned and misbranded products. The draft notice proposes the statement of export policy and the factors to be considered when acting on requests for exception and solicits written comments from all interested parties.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

Sadye E. Dunn, OS,

Secretary.

[FR Doc. 84-21332 Filed 8-8-84; 8:59 am]

BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, August 15, 1984.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

Upholstered Furniture Flammability: Status

The staff will brief the Commission on the status of the upholstered furniture flammability project. Representatives of the Upholstered Furniture Action Council will also address the Commission on the progress of UFAC's Voluntary Action Program.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301—492–6800.

Sadye E. Dunn, OS,

Secretary.

[FR Doc. 84-21399 Filed 8-8-84; 3:40 pm]

BILLING CODE 6355-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: See Times Below, Thursday, August 16, 1984.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

8:30 a.m.

Commission Staff Briefing

The staff and Commission will discuss various matters.

Closed to the Public.

10:00 a.m.

1. Enforcement Matter OS# 3520

The Commission will consider Enforcement matter OS# 3520

2. Compliance Status Report

The staff will brief the Commission on a compliance status report.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301—492–6800.

Sadye E. Dunn, OS,

Secretary.

[FR Doc. 84-21400 Filed 8-8-84; 3:40 pm]

BILLING CODE 6355-01-M

4

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Friday, August 17, 1984.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

FY 86 Budget: Preliminary Briefing

The staff and Commission will discuss issues related to the Fiscal Year 1986 Budget.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301—492–6800.

Sadye E. Dunn, OS,

Secretary.

[FR Doc. 84-21401 Filed 8-8-84; 3:41 pm]

BILLING CODE 6355-01-M

5

NEIGHBORHOOD REINVESTMENT CORPORATION

TIME AND DATE: 2:00 p.m., Wednesday, August 15, 1984.

PLACE: Neighborhood Reinvestment Corporation, 1850 K Steet, NW., Suite 400, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Timothy S. McCarthy, Associate Director Communications, 202–653–2705.

AGENDA:

I. Call to Order and Remarks of the Chairman
II. Approval of Minutes, May 16, 1984
III. Executive Director's Report
IV. Treasurer's Report
V. Audit Committee Report
VI. Budget Committee Report
  Approval of FY 1984 Budget Reallocation
  Approval of FY 1985 Line-Item Budget
  Approval of FY 1986 Budget Submission

Carol J. McCabe,

Secretary.

[FR Doc. 84-21403 Filed 8-8-84; 3:45 pm]

BILLING CODE 0000-00-M

federal register

Friday
August 10, 1984

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determinations Decision

Nebraska	NE84–4048

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California:	
CA84–5001	Mar. 30, 1984.
CA84–5007	May 18, 1984.
Colorado: CO82–5127	Nov. 5, 1982.
Georgia:	
GA81–1306	Oct. 30, 1981.
GA81–1305	Oct. 30, 1981.
Illinois:	
IL83–2066	Aug. 12, 1983.
IL82–2049	Oct. 15, 1982.
Iowa: IA84–4043	June 15, 1984.
Kentucky: KY84–1007	Mar. 16, 1984.
Mississippi: MS84–1021	July 6, 1984.
New Jersey:	
NJ84–3021	July 6, 1984.
NJ84–3020	July 27, 1984.
NJ84–3019	July 6, 1984.
New Mexico: NM84–4027	May 18, 1984.
Nevada: NV84–5014	June 8, 1984.
Ohio: OH83–5122	Nov. 25, 1983.
Oklahoma:	
OK84–4033	May 18, 1984.
OK84–4034	May 18, 1984.
Pennsylvania:	
PA84–3002	Feb. 10, 1984.
PA84–3015	June 1, 1984.
Tennessee: TN83–1087	Nov. 25, 1983.
Texas:	
TX84–4005	Feb. 22, 1984.
TX84–4037	May 25, 1984.
Wisconsin:	
WI83–2041	May 13, 1983.
WI83–2078	Oct. 7, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Georgia: GA81–1305 (GA84–3032)	Oct. 30, 1981.
Texas:	
TX84–4001(TX84–4046)	Jan. 20, 1984.
TX84–4002(TX84–4047)	Jan. 27, 1984.
TX84–4032(TX84–4045)	May 11, 1984.
West Virginia: WV79–3044(WV84–3030)	Nov. 2, 1979

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

James L. Valin,

Assistant Administrator.

BILLING CODE 4510–27–M

NEW DECISION

STATE: Nebraska COUNTIES: Cass, Douglas & Sarpy
DECISION NO. NE84-4048 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden-type apartments up to including 4 stories.

	BASIC HOURLY RATES	FRINGE BENEFITS
BRICK & BLOCK MASONS	$12.63	3.30
CARPENTERS	13.57	2.10
CEMENT/CONCRETE MASONS	13.25	2.45
DRYWALL:		
Hangers	13.57	2.10
Finishers and tapers	8.64	
ELECTRICIANS:		
Not to exceed 3 stories	11.33	3-1/2% + .55
Over 3 stories	15.27	
INSULATORS	11.21	
IRONWORKERS	13.00	2.00
LABORERS:		
General	10.41	1.80
Mason tenders	10.585	1.80
PAINTERS	10.00	
PLUMBERS & PIPEFITTERS	14.60	3.20
SHEET METAL WORKERS	11.89	1.34
TRUCKDRIVERS	10.27	
POWER EQUIPMENT OPERATORS:		
Loader	13.49	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contracts clauses (29 CFR, 5.5(a)(1)(ii).

MODIFICATIONS P. 1

DECISION #CA84-5001 - Mod. #6 (49 FR 12873 - March 30, 1984) Alameda, Alpine, Amador, Butte, Calaveras Counties, etc., California	Basic Hourly Rates	Fringe Benefits
Change:		
Laborers:		
Tunnel and Shaft Laborers:		
Group 1	$18.33	$5.11
Group 2	17.90	5.11
Group 3	17.65	5.11
Group 4	17.49	5.11
Laborers:		
Area 1:		
Group 1	15.56	5.11
Group 1-a	15.785	5.11
Group 1-b*		
Group 1-c	15.61	5.11
Group 1-d**		
Group 1-e	16.11	5.11
Group 1-f	16.145	5.11
Group 2	15.41	5.11
Group 3	15.31	5.11
Group 4	9.00	5.11
Gunnite Laborers:		
Group 1	16.02	5.11
Group 2	15.43	5.11
Group 3	15.31	5.11
Wrecking Work:		
Group 1	15.56	5.11
Group 2	15.41	5.11
Group 3	15.31	5.11
Area 2:		
Group 1	14.56	5.11
Group 1-a	14.785	5.11
Group 1-b*		
Group 1-c	14.61	5.11
Group 1-d**		
Group 1-e	15.11	5.11
Group 1-f	15.145	5.11
Group 2	14.41	5.11
Group 3	14.31	5.11
Group 4	8.00	5.11
Gunnite Laborers:		
Group 1	15.02	5.11
Group 2	14.43	5.11
Group 3	14.31	5.11
Wrecking Work:		
Group 1	14.56	5.11
Group 2	14.41	5.11
Group 3	14.31	5.11

DECISION #CA84-5001 (Cont'd):	Basic Hourly Rates	Fringe Benefits
Change (Cont'd):		
Power Equipment Operators: Fringe Benefits to read: $8.98.		
Truck Drivers:		
Group 1	$16.30	$6.54
Group 2	16.38	6.54
Group 3	16.40	6.54
Group 4	16.41	6.54
Group 5	16.42	6.54
Group 6	16.43	6.54
Group 7	16.45	6.54
Group 8	16.47	6.54
Group 9	16.48	6.54
Group 10	16.50	6.54
Group 11	16.51	6.54
Group 12	16.55	6.54
Group 13	16.56	6.54
Group 14	16.57	6.54
Group 15	16.60	6.54
Group 16	16.61	6.54
Group 17	16.62	6.54
Group 18	16.64	6.54
Group 19	16.65	6.54
Group 20	16.66	6.54
Group 21	16.71	6.54
Group 22	16.74	6.54
Group 23	16.75	6.54
Group 24	16.84	6.54
Group 25	16.85	6.54
Group 26	16.85	6.54
Group 27	16.85	6.54
Group 28	16.90	6.54
Group 29	16.94	6.54
Group 30	16.95	6.54
Group 31	16.98	6.54
Group 32	17.04	6.54
Group 33	16.97	6.54
Group 34	17.19	6.54
Group 35	17.29	6.54
Group 36	17.34	6.54
Group 37	17.49	6.54
Group 38	17.64	6.54
Add:		
Laborers:		
Area 1:		
Group 1-g (Contra Costa County only)	$15.76	$5.11
Group 1-g is defined as: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic Pipelayers; Pressure Pipe Tester,		

MODIFICATIONS P. 2

DECISION #CA84-5001 (Cont'd):	Basic Hourly Rates	Fringe Benefits
Add (Cont'd):		
Laborers (Cont'd):		
Area 1 (Cont'd):		
Definition of Group 1-g (Cont'd):		
no joint pipe and stripping of same, including repair of voids, Precast Manhole Setters, Cast-in-place Manhole Form Setters		

	Basic Hourly Rates	Fringe Benefits

MODIFICATIONS P. 3

DECISION #CA84-5007 - Mod. #5 (49 FR 21245-May 18, 1984) Imperial, Inyo, Kern, etc., Counties, California	Basic Hourly Rates	Fringe Benefits
Change:		
Bricklayers; Stonemasons:		
Area 2	$17.69	$4.31
Area 6	18.62	4.95
Brick Tenders	14.07	7.88
Carpenters:		
Area 1:		
Carpenters; Cabinet Installers; Insulation Installers	19.145	7.275
Saw Filers	19.225	7.275
Table Power Saw Operator	19.245	7.275
Bridge or Dock Carpenter; Derrick Bargeman and Rockslinger	19.275	7.275
Hardwood Floor Layer and Acoustical Installer	19.345	7.275
Pneumatic Nailer or Power Stapler	19.395	7.275
Area 2:		
Carpenters; Cabinet Installers; Insulation Installers	17.145	7.275
Saw Filers	17.225	7.275
Table Power Saw Operator	17.245	7.275
Bridge or Dock Carpenter; Derrick Bargeman and Rockslinger	17.275	7.275
Hardwood Floor Layer and Acoustical Installer	17.345	7.275
Pneumatic Nailer or Power Stapler	17.395	7.275
Cement Masons:		
Area 1:		
Cement Masons	19.31	6.55
Cement Floating and Troweling Machine Operators	19.56	6.55
Area 2:		
Cement Masons	17.31	6.55
Cement Floating and Troweling Machine Operators	17.56	6.55
Divers:		
Diver, Wet	39.55	7.275
Diver, Stand-by	19.775	7.275
Diver, Tender	18.775	7.275
Drywall Installers/Lathers	18.285	7.06
Area 3:		
Electricians	23.00	4.79+3%
Cable Splicers	23.60	4.79+3%

DECISION #CA84-5007 (Cont'd):	Basic Hourly Rates	Fringe Benefits
Change (Cont'd):		
Ironworkers:		
Fence Erectors	$17.16	$8.78
Ornamental, Reinforcing, Structural	18.05	8.78
Laborers:		
Area 1:		
Group 1	15.42	7.88
Group 2	15.57	7.88
Group 3	15.77	7.88
Group 4	16.07	7.88
Group 5	16.27	7.88
Area 2:		
Group 1	13.42	7.88
Group 2	13.57	7.88
Group 3	13.77	7.88
Group 4	14.07	7.88
Group 5	14.27	7.88
Gunnite Laborers:		
Areas 1 & 2:		
Group 1	15.91	7.76
Group 2	14.96	7.76
Group 3	13.70	7.76
Residential Laborers:		
Areas 1 & 2:		
Cleanup; Landscaping; Fencing	11.60	7.88
All other Residential Laborers	12.60	7.88
Painters:		
Area 2:		
Brush	18.67	4.68
Brush Painter, Structural Steel; Paint Burner	18.79	4.68
Swing Stage, under 13 stories; Sandblaster; Pressure Roller Operator; Paperhanger	18.92	4.68
Swing Stage, over 13 stories	19.04	4.68
Paste Maching Operator	19.17	4.68
Spray Painter; Steeplejack	19.92	4.68
Taper	19.94	4.68
Area 3:		
Brush	15.00	3.02
Brush or Roller (Swing Stage); Paperhangers; Tapers (Sheet Rock)	15.50	3.02
Spray; Sandblaster	16.00	3.02
Steeplejack	17.00	3.02
Area 4:		
Brush; Pot Tender	18.07	4.14

Agency

DECISION #CA84-5007 (Cont'd):	Basic Hourly Rates	Fringe Benefits
Change (Cont'd):		
Painters (Cont'd):		
Area 4 (Cont'd):		
Paperhangers; Paste Machine Operators; Iron and Steel	$18.32	$4.14
Spray; Taper; Sandblaster	18.57	4.14
Sign Painter	18.72	4.14
Iron and Steel Spray Painter	19.07	4.14
Steeplejack	18.82	4.14
Drywall Taper and Spray Texture	19.92	4.14
Plasterers:		
Area 1	20.78	4.16
Plasterers' Tenders:		
Area 1	16.76	7.91
Power Equipment Operators:		
Group 1	17.25	7.25
Group 2	17.53	7.25
Group 3	17.82	7.25
Group 4	17.96	7.25
Group 5	18.18	7.25
Group 6	18.29	7.25
Group 7	18.41	7.25
Group 8	18.58	7.25
Group 9	18.71	7.25
Tile Setters:		
Area 4	18.60	4.00
Truck Drivers:		
Group 1	15.97	7.01
Group 2	16.05	7.01
Group 3	16.11	7.01
Group 4	16.20	7.01
Group 5	16.23	7.01
Group 6	16.25	7.01
Group 7	16.29	7.01
Group 8	16.30	7.01
Group 9	16.35	7.01
Group 10	16.38	7.01
Group 11	16.43	7.01
Group 12-A	16.45	7.01
Group 12-B	16.48	7.01
Group 13	16.50	7.01
Group 14	16.75	7.01
Group 15	17.00	7.01
Group 16	17.10	7.01
Group 17	17.20	7.01
Group 18	17.50	7.01
Group 19	18.00	7.01

Basic Hourly Rates	Fringe Benefits

DECISION NO. CO82-5127-MOD #6 (47 FR 50418 - November 5, 1982) Las Animas, Otero and Pueblo Counties, Colorado	Basic Hourly Rates	Fringe Benefits
Omit:		
Plumbers as originally issued		
Add:		
Plumbers/Steamfitters Contract to $300,000.00:		
Zone 1	12.00	3.60
Zone 2	12.57	3.60
Zone 3	13.00	3.60
Zone 4	14.525	3.60
Contract $300,000.00 to $1,000,000.00:		
Zone 1	14.00	3.60
Zone 2	14.57	3.60
Zone 3	15.00	3.60
Zone 4	16.525	3.60
Contract $1,000,000.00 and over:		
Zone 1	16.00	3.60
Zone 2	16.57	3.60
Zone 3	17.00	3.60
Zone 4	18.525	3.60

DECISION NO. GA81-1306 - MOD. #1
(46 FR 53926 _ October 30, 1981)
Banks, Barrow, Barton, etc. Counties, Georgia

OMIT FROM AREA OF COVERAGE:
Cherokee, Cobb, and Gwinnett Counties

DECISION NO. GA81-1305 - MOD. #1
(46 FR 53926 - October 30, 1981)
Appling, Atkinson, Bacon, etc. Counties, Georgia

OMIT FROM AREA OF COVERAGE
Clayton County

DECISION NO. IL83-2066 - Mod #3 (48 FR 36780 - Aug 12, 1983) Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St Clair, Washington Counties, Illinois	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Laborers:		
Area 18:		
Class 1	$15.90	$1.50
Class 2	16.00	1.50
Class 3	16.05	1.50
Class 4	16.15	1.50
Class 5	16.15	1.50
Class 6	16.35	1.50
Class 7	16.40	1.50
Class 8	16.90	1.50
Class 9	17.425	1.50

DECISION NO. IL82-2049 - Mod #4
(47 FR 2221 - Oct. 15, 1982)
Peoria and Tazewell Counties,

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters (commercial):		
Tazewell & Peoria (remainder of County):		
Carpenters, Soft Floor Layer	$15.68	$3.07
Piledriverman, Millwright	16.18	3.07
Painters:		
Brush	15.35	2.38
Spray, Structural Steel, and Sandblast	16.20	2.38
Residential Brush	14.35	2.38
Plumbers; Pipefitters; and Steamfitters:		
Peoria & Tazewell (North of Hwy #98):		
Commercial Building	16.89	3.50
Residential	15.92	3.50
Laborers:		
Remainder of Tazewell Co.:		
Unskilled	14.67	2.35
Semi-skilled	14.87	2.35
Skilled	15.07	2.35
Power Equipment Operators:		
Group 1	17.04	2.55
Group 2	16.31	2.55
Group 3	15.08	2.55
Truck Drivers:		
Group 1	14.875	1.90+d
Group 2	15.275	1.90+d
Group 3	15.475	1.90+d
Group -	15.725	1.90+d

POWER EQUIPMENT OPERATORS
GROUP 1:
(Cranes and Derrick Booms 1c/hr./ft over 80 ft incl. jib, $1/hr when crane or derrick boom is positioned 50' or more adjacent ground level or water level), overhead crane, Gradall, Cherry Pickers, mechanic, central concrete mixing plant road paver(27E-dual drum-tri batchers),blacktop plant operator and plant engineer, 3 drum hoist derrick, hydro crane, shevel, skimmer scoop, Koehring scooper, drag line, backhoe, derrick boat, piledriver, skid rig, clamshell, locomotive crane, dredge, motor patrol, power blade (Dunmore, elevating and similar tupes) tower crane(crawler mobile) and stationary, crane-type backfiller, Drott Ymbo and similar types considered as cranes, caisson rig, dozer, tournadozer, work boat, Ross carrier, helicopter tournapull, scoops, pushcats, endloaders, asphalt surfacing machine, slip form paver, rock crusher, heavy equipment operator, CMI,

	Basic Hourly Rates	Fringe Benefits
DECISION NO. IL82-2049 (Cont'd)		

CMI belt placer, auto grade 3 track and similar side boom, multiple unit earth mover 25c/hr for each additional scoop, crete crane, trench machine, pumpcrete-belt crete-squeeze cretes-screw type pumps and gypsum, bulker and pump, formless finishing machine, Flaherty spreader or similar, screed man on lay down machine, wheel tractors(Industrial or farm type with dozer-hoe--end Loader or other attachments, FWD and similar types, Vermeer concrete saw

GROUP 2:
Dinkeys, Power launch, PH one-pass soil-cement machine and similar type, pugmill with pump, backfiller, Euclid loader, forklift, Jeep with ditching machine or other attachments, tuneluge automatic cement and gravel batching plant, mobile drill(soil testing) and similar, Chicago Boom, boring machine & Pipe Jacking Machine, hydro boom, dewatering system, straw blower, hydro seeder, assistant heavy equipment greaser on spread, tractor (Track Type) without power unit pulling rollers, rollers on asphalt- brick macadem, concrete breakers, concrete spreader, mule pulling rollers, center stripper, cement finishing machine & CMI texture & reel curing machine, cement finishing machine, Barber Green or similar soaders, vibro tamper(all similar types)self-propelled, winch or boom truck, mechanical bull floats, mixers over 3 bag to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed truck type hoptoe oiler, fireman, spray machine on paving, curb machine, truck crane oiler, oil distributor, 3-4 small equipment, oiler and one small equipment

Group 3:
Air compressor 1 or 2, power subgrader, straight tractor, trac air w/o attachment, Herman Nelson Heater, Dravo, Warner, Silent Glo and similar types one engineer will operate 1-5 and over 5 two operators required, self-propelled concrete saws, roller 5 ton and under on earth or gravel, form grader, crawler crane & skid rig oilers, freight elevator, pump 1 or 2, light plant 1 or 2, generator 3.5 kw and over (1 or 2), conveyor (1 or 2) operator will clean, welding machine (1 or 2) equal 300 amp or over (not to include electric welders), mixer (3 bag) and under (standard capacity with skip), bulk cement plant oiler on central concrete mixing plant.

OMIT:
POWER EQUIPMENT OPERATORS:
Groups 4 and 5 wage rates and descriptions

DECISION NO. IA84-4043 - MOD. #4
(49 FR 24856 - 6/15/84)
Black Hawk, Cerro Gordo, Clinton, Des Moines, Dubuque, Johnson, Linn & Polk Cos., Iowa

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Painters:		
Zone 1:		
Journeyman painters	$11.01	.83
Spray	11.91	.83
Zone 8:		
Journeyman painters	14.52	.85
Sandblaster, spray, swing stage & boats-wain chair, window jack, ladder work over 2 stories & structural steel	15.02	.85

DECISION NO. KY84-1007
Mod # 2
(49 FR 9999 -March 16, 1984)
Hardin, Jefferson & Meade Counties, Kentucky

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Laborers		
Group 1	$10.25	$2.20
Group 2	10.45	2.20
Group 3	10.60	2.20
Group 4	10.75	2.20
Group 5	11.45	2.20

DECISION NO. MS84-1021
Mod # 1
(49 FR 27880 - July 6, 1984)
Hancock, Harrison, Jackson & Pearl River Counties, Mississippi

	Basic Hourly Rates	Fringe Benefits
CHANGE		
Plumbers & Pipefitters	$13.93	$2.46

DECISION NO. NJ84-3021 - MOD. #1
(49 FR 27894 - July 6, 1984)
Bergen, Essex, Hudson and Passaic Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
DIVERS & DIVER TENDERS:		
Divers	20.87	6.83
Diver Tenders	16.27	6.83
ELECTRICIANS & CABLE SPLICERS:		
Bergen & Hudson Cos.	21.20	26.5%
Essex County	18.78	29 ½%
POWER EQUIPMENT OPERATORS:		
Construction, repairs and alterations of dwellings such as a home, duplex, town house or walk-up apartment, 3 stories or less (including clearing and grading, excavation for foundations, back filling, storm and sanitary sewers, sidewalks, street excavation and paving, curbing and landscaping water and gas supply lines)	12.19	5.80+a
Other Residential Construction (up to and including 4 stories);		
Group 1	21.92	5.80+a
Group 2	20.33	5.80+a
Group 3	18.42	5.80+a
Group 4	16.79	5.80+a
Group 5	15.08	5.80+a
Group 6	23.74	5.80+a

DECISION NO. NJ84-3020 - MOD. #1	Basic Hourly Rates	Fringe Benefits
(49 FR 30280 - July 27, 1984)		
Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties, New Jersey		
CHANGE:		
ASBESTOS WORKERS:		
Zone 1	18.61	4.92
BRICKLAYERS, CEMENT MASONS, STONE MASONS, MARBLE MASON PLASTERERS, TILE LAYERS AND TERRAZZO WORKERS:		
Zone 1	16.66	3.79
DIVERS & DIVER TENDERS:		
Zone 1		
Divers	20.87	6.83
Diver Tenders	16.27	6.83
IRONWORKERS:		
Zone 3	18.35	4.30
Zone 4	16.70	8.75
ROOFERS:		
Zone 1:		
Shingle, Slate or Tile MECHANIC II (for Shingle Slate, or Tile)	19.57	2.93
Handle and transport all materials, tools, and equipment; cleanup debris	8.25	2.93
POWER EQUIPMENT OPERATORS:		
Building Construction Projects in which individual items of work are $200,000 or less (including clearing, and grading, excavation, for foundations, back filling, storm and sanitary sewers, sidewalks, street excavation and paving, curbing and landscaping, water and gas supply lines)	12.19	5.80+a
OTHER BUILDING CONSTRUCTION PROJECTS: HEAVY, HIGHWAY, ROAD, STREET, AND SEWER PROJECTS:		
Class A	21.92	5.80+a
Class B	20.33	5.80+a
Class C	18.42	5.80+a
Class D	16.79	5.80+a
Class E	15.08	5.80+a
Class F	23.74	5.80+a
TANK ERECTION:		
Class A	23.91	5.80+a
Class B	23.57	5.80+a
Class C	25.55	5.80+a
Class D	21.48	5.80+a
Class E	16.27	5.80+a
OILOSATATIC MAINLINES & TRANSPORTATION PIPELINES:		
Class A	22.55	5.80+a
Class B	20.90	5.80+a
Class C	18.76	5.80+a
Class D	17.26	5.80+a
Class E	15.54	5.80+a
Class F	24.48	5.80+a
STEEL ERECTION:		
Class A	23.74	5.80+a
Class B	22.83	5.80+a
Class C	21.49	5.80+a
Class D	18.83	5.80+a
Class E	17.30	5.80+a
Class F	15.54	5.80+a
Class G	25.55	5.80+a

DECISION NO. NJ84-3019 - MOD. #1	Basic Hourly Rates	Fringe Benefits
(49 FR 27883 - July 6, 1984)		
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren Counties, New Jersey		
CHANGE:		
ASBESTOS WORKERS:		
Zone 1	18.47	4.945
CARPENTERS, INSULATORS AND MILLWRIGHTS:		
Zone 1	17.45	4.78
DIVERS AND DIVER TENDERS:		
Zone 1:		
Divers	20.87	6.83
Diver Tenders	16.27	6.83
ELECTRICIAN AND CABLE SPLICERS:		
Zone 1	18.78	29 1/4%
Zone 2	19.54	13.5%+ 3.56
Zone 5	21.20	26.5%
Zone 7	20.69	11%+ 3.50
Zone 9	19.44	32 1/4%
ELECTRICIANS:		
Railroad Construction:		
Bergen & Hudson Cos.	21.20	26.5%
Commercial Telephone Installation:		
Bergen & Hudson Cos.	21.20	26.5%
IRONWORKERS:		
Reinforcing, Ornamental and Structural:		
Zone 2	18.65	6.11
LINE CONSTRUCTION		
Zone 4:		
Linemen, Cable Splicers, Equipment Operators	19.54	14.25%
Groundmen	19.05	14.25%
Zone 7:		
Linemen & Equipment Ops.	19.69	11.75% +1.50
Groundmen & Line Truck Operators	14.56	11.75% +1.50
PIPEFITTERS:		
Zone 1	17.10	6.58
Zone 2	17.29	6.39
Zone 3	18.62	5.06
PLUMBERS:		
Zone 2	17.83	5.80
Zone 3	18.62	5.06
ROOFERS:		
Zone 1	18.05	4.59
Shingle, Slate or Tile	19.57	2.93
MECHANIC II (for shingle, Slate, or Tile) - Handle and transport all materials, tools, and equipment; clean-up debris	8.25	2.93
POWER EQUIPMENT OPERATORS:		
Building Construction Projects in which individual items of work are $200,000 or less (including clearing, and grading, excavation, for foundations, back filling, storm and sanitary sewers, sidewalks, street excavation and paving, curbing and landscaping, water and gas supply lines)	12.19	5.80+a
OTHER BUILDING CONSTRUCTION PROJECTS: HEAVY, HIGHWAY, ROAD, STREET, AND SEWER PROJECTS:		
Class A	21.92	5.80+a
Class B	20.33	5.80+a
Class C	18.42	5.80+a
Class D	16.79	5.80+a
Class E	15.08	5.80+a
Class F	23.74	5.80+a
TANK ERECTION:		
Class A	23.91	5.80+a
Class B	23.57	5.80+a
Class C	25.55	5.80+a
Class D	21.48	5.80+a
Class E	16.27	5.80+a
OILOSATATIC MAINLINES & TRANSPORTATION PIPELINES:		
Class A	22.55	5.80+a
Class B	20.90	5.80+a
Class C	18.76	5.80+a
Class D	17.26	5.80+a
Class E	15.54	5.80+a
Class F	24.48	5.80+a
STEEL ERECTION:		
Class A	23.74	5.80+a
Class B	22.83	5.80+a
Class C	21.49	5.80+a
Class D	18.83	5.80+a
Class E	17.30	5.80+a
Class F	15.54	5.80+a
Class G	25.55	5.80+a

MODIFICATIONS P. 10

DECISION NO. NM84-4027 - MOD. #3
(49 FR 21263 - 5/18/84)
Statewide (excluding Eddy & Lea Cos. for building const.) New Mexico

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Electricians:		
Zone I:		
Area I-A	$17.00	2.00+ 3-3/4%
Area I-B	18.53	2.00+ 3-3/4%
Area I-C	19.55	2.00+ 3-3/4%
Area I-D	21.42	2.00+ 3-3/4%
Zone II	19.55	2.00+ 3-3/4%
Cable splicers:		
Zone I:		
Area I-A	18.70	2.00+ 3-3/4%
Area I-B	20.23	2.00+ 3-3/4%
Area I-C	21.25	2.00+ 3-3/4%
Area I-D	23.12	2.00+ 3-3/4%
Zone II	21.25	2.00+ 3-3/4%
Glaziers	12.69	1.40

DECISION #NV84-5014-MOD#1
(49 FR 23987-June 8,1984)
Churchill,Lyon and Mineral Counties, Nevada

OMIT:

Churchill,Lyon and Mineral Counties

Agencies with construction projects pending to which building,heavy and highway construction for Churchill, Lyon and Mineral Counties would have been applicable should utilize the project determination procedure by submitting a SF-308. See Regulations Part 1 (29 CFR), section 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR 1.6(c)(2)(i)(A), the incorporation of the withdrawn counties in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected.

MODIFICATIONS P. 11

DECISION NUMBER OH83-5122 - MOD. #5
(48 FR 53254 - November 25, 1983)
Statewide, Ohio

Change:

	Basic Hourly Rates	Fringe Benefits
Bricklayers & Stonemasons:		
Area 1	$17.88	$ .55
Area 3	16.63	3.44
Area 4:		
Bricklayers	19.87	3.00
Sewer Bricklayers	20.12	3.00
Area 8	17.09	3.07
Area 10	15.00	1.75
Area 11	16.60	3.55
Area 16	14.25	3.10
Area 18	16.18	3.43
Area 19	17.16	1.55
Area 25	14.90	2.95
Area 27	18.30	.81+b
Area 29	16.25	2.45
Area 30	17.05	3.10
Carpenters & Piledrivermen:		
Area 1:		
Carpenters	15.92	3.08
Piledrivermen	16.21	3.08
Area 2:		
Carpenters	14.81	3.14
Piledrivermen	15.46	3.14
Area 3:		
Piledrivermen	18.00	3.11
Area 4:		
Carpenters	18.45	4.66
Piledrivermen	18.00	3.11
Area 6:		
Carpenters	15.76	3.53+3%
Piledrivermen	16.58	3.53+3%
Area 8:		
Carpenters	17.18	3.32
Piledrivermen	17.66	3.32
Area 9:		
Carpenters	15.76	3.53+3%
Piledrivermen	15.54	30%
Area 10:		
Carpenters	16.30	3.67
Piledrivermen	16.30	3.67
Area 12:		
Piledrivermen	19.31	2.97
Area 14:		
Carpenters	15.76	3.53+3%
Piledrivermen	16.58	3.53+3%

	Basic Hourly Rates	Fringe Benefits
Carpenters & Piledrivermen (Cont'd):		
Area 15:		
Carpenters	$16.20	$3.80
Piledrivermen	17.11	3.80
Area 16:		
Carpenters	16.90	3.24
Piledrivermen	18.00	3.11
Cement Masons:		
Area 1	16.52	2.62
Area 2	15.84	2.62
Area 3	15.27	2.62
Electricians:		
Area 3	17.74	2.31+ 3.1%
Area 17	21.77	2.83+ 3%
Area 20	17.33	1.85+ 3.2%
Area 21:		
Electricians	16.80	2.81+ 3%
Cable Splicers	18.06	2.81+ 3%
Area 23:		
Electricians	18.43	3.75+ 3.2%
Cable Splicers	18.68	3.75+ 3.2%
Ironworkers:		
Area 2:		
Ornamental; Structural	16.03	4.33
Fence Erectors	14.43	4.33
Area 9	16.38	4.32
Area 11	16.40	4.68
Area 12	19.19	3.84
Area 13	16.30	4.68
Area 14	16.15	4.68
Painters:		
Area 1:		
Brush	16.50	2.54
Spray	17.50	2.54
Bridges	17.25	2.54
Area 3:		
Brush	14.45	.95
Structural Steel	14.95	.95
Spray	15.20	.95

DECISION NUMBER OH83-5122 (Cont'd)

	Basic Hourly Rates	Fringe Benefits
Change:		
Painters (Cont'd):		
Area 9:		
Brush; Roller	$15.72	$3.46
Spray	16.25	3.46
Structural Steel; Bridges	16.43	3.46
Area 12:		
Brush	16.49	3.41
Sandblasting; Spray	17.19	3.41
Plumbers; Steamfitters & Pipefitters:		
Area 1:		
Within 10 mile radius of Portsmouth	17.45	3.35
Over 10 and within 20 mile radius of Portsmouth	17.70	3.35
Over 20 and within 35 mile radius of Portsmouth	17.80	3.35
Over 35 mile radius of Portsmouth	18.05	3.35
Area 3	18.38	3.12
Area 4:		
Plumbers	21.03	3.62
Pipefitters & Steamfitters	20.42	4.43
Area 6:		
Plumbers; Gas Fitters	16.05	4.32
Area 10	18.20	3.17
Area 14	19.20	3.72
Area 15	19.09	2.91
Laborers (Excluding Railroad Maintenance, Renovation and Repair):		
Group 1:		
Zone 1	15.23	3.00
Zone 2	14.00	3.00
Zone 3	13.57	3.00
Group 2:		
Zone 1	15.355	3.00
Zone 2	14.125	3.00
Zone 3	13.695	3.00
Group 3:		
Zone 1	15.43	3.00
Zone 2	14.20	3.00
Zone 3	13.77	3.00
Group 4:		
Zone 1	15.58	3.00
Zone 2	14.35	3.00
Zone 3	13.92	3.00
Group 5:		
Zone 1	15.88	3.00
Zone 2	14.65	3.00
Zone 3	14.22	3.00
Power Equipment Operators:		
Zone 2: Ashtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, Medina, Portage & Summit Cos.:		
Master Mechanic	$17.88	$3.61
Class A	17.63	3.61
Class B	17.53	3.61
Class C	16.49	3.61
Class D	16.02	3.61
Class E	12.33	3.61
Zone 3: Remainder of Cos.:		
Master Mechanic	17.14	3.61
Class A	16.89	3.61
Class B	16.77	3.61
Class C	15.73	3.61
Class D	15.30	3.61
Class E	11.44	3.61
Line Construction:		
Area 2:		
Linemen	17.87	.85+8½%
Equipment Operators	16.08	.85+8½%
Groundmen Truck Drivers	11.75	.85+8½%
Area 4:		
Cable Splicers; Equipment Operators; Line Truck Drivers; & Linemen	18.20	3.65+3½%
Groundmen	15.20	3.65+3½%
Area 17:		
Cable Splicers; Equipment Operators & Linemen	17.33	1.85+3½%
Truck Drivers (Winch), Groundmen; Groundmen	11.26	1.85+3½%
Area 19:		
Cable Splicers	18.06	2.75+3½%
Linemen; Equipment Ops.	16.80	2.75+3½%
Truck Drivers	9.99	2.75+3½%
Groundmen	9.58	2.75+3½%

DECISION NUMBER OH83-5122 (Cont'd)

	Basic Hourly Rates	Fringe Benefits
Change:		
Line Construction (Cont'd):		
Area 21:		
Equipment Operators & Linemen	$18.43	$3.75+3½%
Cable Splicers	18.68	3.75+3½%
Truck Drivers (Winch), Groundman; Groundman	11.98	3.75+3½%
Omit:		
Carpenters & Piledrivermen: Areas 11 and 13 wage rates & Area Descriptions		
Ironworkers: Areas 5, 7, and 8 wage rates & Area Descriptions		
Add:		
Carpenters & Piledrivermen:		
Area 11:		
Carpenters	$15.45	$2.97
Piledrivermen	19.31	2.97
Area 13:		
Carpenters & Piledrivermen	19.31	2.97
Ironworkers:		
Area 5	15.73	5.66
Area 7	20.62	4.12
Area 8	17.96	4.21

Area Descriptions:

Carpenters & Piledrivermen:

Area 11: Defiance, Fulton, Hancock (Exclu. City of Fostoria), Henry, Paulding, & Williams Counties

Area 13: Lucas & Wood (Exclu. City of Fostoria) Counties

Ironworkers:

Area 5: Ashland, Carroll, Columbiana (W. of a line from Damascus to Highlandtown), Coshocton (E. of a line beginning at NW Co. line going through Walhonding & Tunnel Hill to the south Co. line), Holmes, Huron (S. of Old Rte. #224), Mahoning (S. of Old Rte. #224), Medina (S. of Old Rte. #224), Portage (S. of Old Rte. #224), Richland, Stark, Summit (S. of Old Rte. #224, exclu. city limits of Barberton), Tuscarawas, & Wayne Counties

Area 7: Ashtabula (NW ¼), Cuyahoga, Erie (E 2/3), Geauga (W ½), Huron (E. of a line drawn from the North border through Monroeville & Willard), Lake, Lorain, Medina (N. of Old Rte. #224), Portage (W. of a line from Middlefield to Shalersville to Deerfield), & Summit (N. of Old Rte. #224, inclu. city limits of Barberton) Counties

Area 8: Ashtabula (S ½, inclu. E. of a line from Austinburg to where Rte. #86 crosses the W. Co. line & S. of a line from Austinburg to 2 mi. S. of Richmond on Rte. #7), Columbiana (E. of a line from Damascus to Highlandtown), Geauga (E. of a line from Austinburg to Middlefield & S.), Mahoning (N. of Old Rte. #224), Portage (E. of a line from Middlefield to Shalersville to Deerfield), & Trumbull Counties

MODIFICATIONS P. 14

DECISION #OK84-4033-MOD.#6 (49 FR 21257-May 18, 1984)	Basic Hourly Rates	Fringe Benefits
Adair,Atoka,Bryan,Coal, Cherokee,Craig,Creek, Delaware,Haskell,Hughes, Leflore,Latimer,McIntosh, Mayes,Muskogee,Nowata, Okfusgee, Okmulgee,Osage, Ottawa,Pawnee,Pittsburg, Pushmataha,Rogers,Tulsa, Sequoyah,Wagoner, and Washington Cos., Oklahoma		
CHANGE:		
Bricklayers; Stonemasons		
Area 1	$16.00	$2.35
Area 2	15.31	2.25
Carpenters - Area 8		
Carpenters	12.62	1.50
Millwrights and Piledrivermen	12.87	1.50
Plumbers and Pipefitters		
Area 4		
Mechanical contracts under $150,000	14.00	2.475
Mechanical contracts $150,000 and over	15.50	2.475

DECISION #OK84-4034-MOD. # 6 (49 FR 21252 - May 18, 1984)	Basic Hourly Rates	Fringe Benefits
Alfalfa,Beckham,Blaine, Caddo,Canadian,Carter, Cleveland,Comanche, Cotton,Custer,Dewey, Ellis,Garfield,Garvin, Grady,Grant,Greer,Harmon,Harper,Jackson, Jefferson,Johnston,Kay, Kingfisher,Kiowa,Lincoln,Logan,Love,McClain, Major,Marshall,Murray, Noble,Oklahoma,Payne, Pontotoc,Roger Mills, Pottawatomie,Seminole, Stephens,Tillman, Washita,Woods, and Woodward Cos., Oklahoma		
CHANGE:		
Bricklayers; Stonemasons Area 4	$15.31	$ 2.25
Carpenters - Area 4		
Carpenters	12.15	1.80
Millwrights	14.25	1.74
Piledrivermen	14.25	1.74
Plumbers - Area 1		
Mechanical contracts under $150,000	14.00	2.475
Mechanical contracts $150,000 and over	15.50	2.475

MODIFICATIONS P. 15

DECISION NO. PA84-3002 MOD. NO. 3 (49 FR 5295 - February 10, 1984) Adams & York Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Laborers:		
General Laborers	$10.40	1.57
Operator of Jackhammer (etc.)	10.60	1.57
Wagon drill operator	10.70	1.57
Handling of all materials (etc.)	10.65	1.57
Laborers assisting tile (etc.)	10.45	1.57
Handling & using dynamite	10.73	1.57
Caisson work (top men)	10.65	1.57
Caisson work (bottom men)	10.85	1.57
Mixer man	10.80	1.57
Sheet metal workers	15.73	4.92
Soft floor layers	12.29	2.55

DECISION NO. PA84-3015 MOD. NO. 1 (49 FR 22976 - June 1, 1984) Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Laborers:		
Group 4	10.92	1.53
Electricians	15.41	1.83 + 3%
Sheet metal Workers	15.73	4.92

DECISION NO. TN83-1087 Mod # 4 (48 FR 53270 - November 25, 1983) Hamilton, Marion, Polk & Rhea Counties, Tennessee	Basic Hourly Rates	Fringe Benefits
CHANGE:		
GLAZIERS	$12.36	4%
DELETE:		
LABORERS:		
GROUP A through J		
ADD:		
LABORERS:		
Hamilton County:		
General Construction Laborer	7.25*	1.20
Marion County:		
General Construction Laborer	5.77	
Polk & Rhea Counties:		
General Construction Laborer	6.19	

DECISION NO. TX84-4005 - MOD. #5 (49 FR 7069 - 2/22/84) Collin,Dallas,Denton, Ellis,Grayson,Hood,Hunt, Johnson,Kaufman,Palo Pinto,Rockwall,Tarrant & Wise Counties, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Painters:		
Zone 2 - Group 1	$16.41	1.37
Group 2	16.66	1.37
Group 3	17.66	1.37
Group 4	16.785	1.37

DECISION NO. TX84-4037 - MOD. #2 (49 FR 22191 - 5/25/84)	Basic Hourly Rates	Fringe Benefits
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas		
CHANGE:		
Roofers	8.00	

DECISION #WI83-2041-MOD#2 (48 FR-21811-May 13, 1983) Statewide Wisconsin	Basic Hourly Rates	Fringe Benefits
Change:		
CARPENTERS & PILEDRIVERMEN:		
Area 1		
Carpenters	12.95	2.35
Piledrivermen	13.21	2.35
Area 2		
Carpenters	15.29	2.51
Piledrivermen	15.44	2.51
Area 3		
Carpenters	14.41	2.26
Piledrivermen	14.50	2.26
Area 4		
Carpenters	14.71	1.96
Piledrivermen	14.80	1.96
Area 5		
Carpenters	13.79	2.12
Piledrivermen	13.99	2.12
Area 6		
Carpenters	14.65	4.09
Piledrivermen	15.82	4.09
Area 7		
Carpenters & Piledrivermen	13.75	3.05
Area 8		
Carpenters & Piledrivermen	15.86	3.62
Area 9		
Carpenters	13.61	2.21
Piledrivermen	14.01	2.21

DECISION NO. WI83-2078 MOD. #5 (48 FR 45919 - October 7, 1983) Columbia, Dane, Iowa and Sauk Counties, Wisconsin	Basic Hourly Rates	Fringe Benefits
Change:		
Plumbers (Sauk County)	$12.56	4.48
Add:		
Steamfitters	15.23	3.57 +1%

STATE: Georgia

COUNTIES: Dekalb, Fulton, Cherokee, Clayton, Cobb, Gwinnett

DECISION NO. GA84-3032

DATE: Date of Publication

Supersedes Decision Number GA81-1305, dated October 30, 1981, in 46 FR 53927

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects, and railroad construction; bascule, supension, and spandrel arch bridges; bridges designed for commercial navigation; other major bridges).

	Basic Hourly Rates	Fringe Benefits
ASPHALT RAKER	5.95	
BRICKLAYERS	7.23	
CARPENTERS	7.73	
CEMENT MASONS	6.55	
ELECTRICIANS		
Clayton, Cobb, Dekalb, Fulton, Gwinnet Counties	15.00	+21%
Cherokee County	10.65	
FORM SETTERS	6.14	
GUARDRAIL ERECTORS	5.53	
IRONWORKERS (Structural)	12.75	
IRONWORKERS (Reinforcing)	8.33	
LABORERS	5.11	
MORTAR MIXERS	6.48	
PAINTERS (Structural Steel)	11.85	
PILEDRIVERMEN	8.17	
PIPELAYERS	6.73	
TRUCK DRIVERS	5.60	
POWER EQUIPMENT OPERATORS		
Air Tool Operator	6.56	
Asphalt Distributor	6.36	
Asphalt Paving Machine Operator	6.67	
Backhoe Operator	8.20	
Bulldozer Operator	7.15	
Crane Operator	9.22	
Compactor	5.00	
Concrete Carving Machine Operator	6.65	
Drill Operator	7.09	
Front End Loader	7.17	
Generator Operator	13.64	
Grade Checker	5.89	
Grinding Machine Operator	7.00	
Guardrail Post Driver	5.26	
Hydro-seeder	5.50	
Mechanics	7.90	
Motor Grader Operator	8.15	
Pan-Scrapers	6.41	
Rollers	5.87	
Shovel Operator	7.27	
Trenching Machine Operator	9.35	

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bexar
DECISION NO.: TX84-4046 DATE: Date of Publication
Supersedes Decision No. TX84-4001 dated January 20, 1984 in 49 FR 2604
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$15.60	3.24
BOILERMAKERS	16.40	2.645
BRICKLAYERS & STONEMASONS	12.88	2.32
CARPENTERS:		
Carpenters	12.75	2.63
Millwrights	13.05	2.63
CEMENT MASONS	13.37	1.00
ELECTRICIANS:		
Electricians	15.49	.80+6%
Cable Splicers	15.74	.80+6%
ELEVATOR CONSTRUCTORS:		
Mechanics	14.59	3.24+a
Helpers	70%JR	3.24+a
Helpers (Prob.)	50%JR	
IRONWORKERS	12.55	3.57
LABORERS:		
GROUP 1 - General Laborer	8.24	1.65
GROUP 2 - All power tools & equipment ops.; cutting torch man; power buggy op.; wagon drill; well driller; drilling rig tender; cement finisher tender; handling creosoted materials; scale man on batch plants; asphalt raker; concrete & clay & all non-metallic pipe laying; plasterer tender; brick tender; lather tender	8.49	1.65
GROUP 3 - Mortar mixer; grout machines; pumpcrete machines; gunnite mixing machines; running sand dryer & loading; operating sandblaster; bell hole man; blaster; powderman; gunnite nozzleman	8.74	1.65
LINE CONSTRUCTION:		
Lineman	17.30	.80+ 3-1/2%
Cable splicer	17.55	"
Groundman	9.52	"

	Basic Hourly Rates	Fringe Benefits
METAL BUILDING ASSEMBLER	5.87	
MARBLE, TILE & TERRAZZO WORKERS	13.27	2.27
MARBLE, TILE & TERRAZZO FINISHERS:		
Marble, tile & terrazzo	8.57	1.31
Floor machine operators	8.33	1.31
Base machine operators	8.82	1.31
PAINTERS:		
Brush; paperhanger; taper & floater; roller	11.85	.65
Brush on all structural steel; spray on any other surface other than steel	12.10	.65
PLUMBERS & PIPEFITTERS	16.95	1.88
ROOFERS:		
Roofers; deckman	9.67	.50
Kettlemen	8.58	.50
Waterproofers	9.10	.50
Helpers - assists journeyman in loading, unloading, distributing, handling materials, clean up work site & any duties that don't require any qualifications or skills	4.51	.50
SHEET METAL WORKERS	16.90	2.32+3%
SPRINKLER FITTERS	16.17	3.23
POWER EQUIPMENT OPERATORS:		
GROUP 1	13.20	2.65
GROUP 2	11.65	2.65
GROUP 3	9.75	2.65
GROUP 4	9.35	2.65
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.		

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTE FOR ELEVATOR CONSTRUCTORS:

a - 1st 6 mos. - none; 6 mos. to 5 years - 6%; over 5 yrs. - 8% of basic hourly rate. Also 7 Paid Holidays A thru G

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS:

GROUP 1 - All foundation drilling rigs; all rollers (5 tons or over); backfiller; backhoe; blade graders (self-propelled); bull clam; bulldozers; cableway; clamshell; crane (power operated, all types); derricks (power operated, all types); draglines; DW-10 caterpillar and similar tractors; elevating graders (self-propelled); euclid; fork lift used on construction; gasoline or diesel-driven welding machines (7 to 12); heavy duty mechanic; high lifts; hoist (two drums or more); locomotives; mixer (14 cu. ft. or over); mixmobile; paving mixers (all sizes); piledriver; pumpcrete machine; rock crusher on job; scoopmobile; scrapers; shovel, power operated; turnapulls; trenching machines (all sizes); winch truck; gradeall

GROUP 2 - Air compressor (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); blade graders (towed); building elevator used on construction; flex planes; form graders; hoist (single drum); mixer (less than 14 cu. ft.); pneumatic roller; pulsometers; pump (2½ or larger shall require a light equipment operator); three to six welding machines or any three pieces of equipment of equal or similar nature

GROUP 3 - Fireman

GROUP 4 - Oiler

STATE: Texas COUNTY: Lubbock
DECISION NO.: TX84-4047 DATE: Date of Publication
Supersedes Decision No. TX84-4002, dated January 27, 1984 in 49 FR 3575
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$16.60	2.37
BOILERMAKERS	16.40	2.645
BRICKLAYERS & STONEMASONS	13.50	.50
CARPENTERS:		
Carpenters	12.90	2.23
Millwrights	15.66	2.23
ELECTRICIANS:		
Electricians	14.85	1.40+ 3-1/10%
Cable splicers	15.10	"
IRONWORKERS:		
Structural,ornamental & reinforcing	12.50	2.95
All ironworkers on jobs 30 miles or more from the City Of Lubbock	12.625	2.95
LABORERS:		
GROUP 1 - Construction laborers,including excavation,pouring concrete, carpenter tender,reinforcing,shoring,digging, loading & unloading materials,wrecking bldgs. & all structures & all construction laborers except those named below	7.91	1.05
GROUP 2 - Air tool op. (jackhammer,vibrator, tamper,brush hammer, chipping hammer,air or electric),power buggy man,pipelayer(concrete & clay & all non-metallic pipe);handling,laying & cleaning pumpcrete pipe, blaster nozzleman	8.18	1.05
GROUP 3 - Mortar mixers, mason tenders,cement finisher tender	8.11	1.05
GROUP 4 - Wagon drill	8.26	1.05
GROUP 5 - Blasters & powderman	8.51	1.05

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
Linemen	$14.85	.80+ 3-1/10%
Operators	80%JR	"
Groundmen	55%JR	"
Truck drivers	70%JR	"
PAINTERS:		
Brush	10.45	
Spray,sandblasters	11.20	
PLUMBERS & STEAMFITTERS:		
Projects where total mechanical contract is over $150,000	14.65	1.59
Projects where total mechanical contract does not exceed $150,000 & apartments over 4 stories & motels without central heating & air conditioning	10.26	1.59
ROOFERS	7.00	
SHEET METAL WORKERS	15.20	3%+2.00
POWER EQUIPMENT OPERATORS:		
GROUP 1	12.325	1.425
GROUP 2	13.225	1.425
GROUP 3	13.625	1.425
TRUCK DRIVERS	7.91	1.05
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a)(1)(ii)).		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman
GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cu. ft.; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 ft.); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear)
GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork Lifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cu. ft. or over; Blade Graders, self-propelled; Cableways; Cranes - power operated (to 100 ft. of boom); Derricks, power operated, all types; Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractorvators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressors & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic

SUPERSEDEAS DECISION

STATE: Texas
COUNTY: Travis
DECISION NO.: TX84- 4045
DATE: Date of Publication
Supersedes Decision No. TX84-4032, dated May 11, 1984 in 49 FR 20232
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$15.60	3.24
BOILERMAKERS	16.40	2.645
BRICKLAYERS & STONEMASONS	14.74	2.51
CARPENTERS:		
Carpenters	14.56	2.18
Millwrights	14.81	2.18
CEMENT MASONS	13.94	1.30
ELECTRICIANS & CABLE SPLICERS	15.60	.80+ 8-8/10%
ELEVATOR CONSTRUCTORS:		
Mechanics	14.75	3.29+a
Helpers	70%JR	3.29+a
Helpers (Prob.)	50%JR	
GLAZIERS	13.06	1.37
IRONWORKERS	15.00	2.97
LABORERS:		
GROUP 1-General laborer & pier hole men	9.03	1.10
GROUP 2-Mason tender; pipelayer (conc. & clay); cement finisher tender; scaffold builder; gunnite & cement work mixer & power tool op.	9.18	1.10
GROUP 3-Plaster tender; hod carrier; mortar mixer; lather tender	9.36	1.10
GROUP 4-Gunnite over 1½" thick; nozzlemen; machine op.; powderman, sandblaster, & blaster	9.43	1.10
LATHERS	14.56	2.18
LINE CONSTRUCTION:		
Linemen	16.39	.80+ 3.5%
Groundmen	9.01	.80+ 3.5%
MARBLE, TILE & TERRAZZO WORKERS	12.75	1.35
MARBLE, TILE & TERRAZZO FINISHERS:		
Marble, tile, terrazzo	8.57	1.31
Floor machine operator	8.33	1.31
Base machine operator	8.82	1.31

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
GROUP 1-Journeyman painters, taping & floating of Sheetrock	$14.00	
GROUP 2-Spray; sand-blasting swing stage	14.50	
PLASTERERS	14.79	1.61
PLUMBERS & PIPEFITTERS	17.40	1.27
ROOFERS:		
Roofers; deckmen	9.67	.50
Kettlemen	8.58	.50
Waterproofers	9.10	.50
Helpers-assist journeymen in loading, unloading, distributing, handling materials, clean up work site & any duties that do not require any qualifications or skills	4.51	.50
SHEET METAL WORKERS	16.90	2.32+3%
SOFT FLOOR LAYERS	14.90	2.06
SPRINKLER FITTERS	16.17	3.23
POWER EQUIPMENT OPERATORS:		
GROUP 1	14.35	1.80
GROUP 2	12.85	1.80
GROUP 3	9.85	1.80
GROUP 4	9.85	1.80

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTE FOR ELEVATOR CONSTRUCTORS
a-1st 6 mos.-none; 6 mos. to 5 yrs. 6%; over 5 yrs.-8% of basic hourly rate. Also 7 paid holidays A thru G.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty mechanic; blade grader - self-propelled; crawler dozers or loaders; derricks, power operatoed (all types); dragline; cableway; backhoe; crane, power operated (all types); elevating grader, self-propelled; hoist, motor driven, two drums or more; mix mobile; high-lifts and loaders, over 1/3 cu. yd. capacity; winch truck; locomotive; mixer, 14 cu. ft. or over; paving mixer (all sizes); scraper' trenching machines (all sizes); gradall; foundation boring machine; scoopmobile; shovel power operated; pump crete machine; rock crusher operated on job; well points including installations; forklift over 4000 lbs. capacity; Pneumatic or flatwheel roller over 20 tons; vibratory roller over 72" wide roller
GROUP 2 - Blade grader, towed; flex plane; form grader; mixer, less than 14 cu. ft. pulsometer; conventional truck crane driver and oiler; combination man; hoist, single drum; high-lifts and loaders, 1/3 cy. yd. or less; forklift 4000 lbs. capacity or less; Pneumatic or flatwheel roller 20 tons or less; vibratory roller 72" wide roller or less
GROUP 3 - Fireman
GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: WEST VIRGINIA

COUNTIES: BERKELEY, JEFFERSON AND MORGAN

DECISION NO.: WV84-3030

DATE: Date of Publication

Supersedes Decision WV79-3044 dated November 2, 1979 in 44 FR 63430

DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits		Basic Hourly Rates	Fringe Benefits
Bricklayers	9.89				
Carpenters	8.12				
Cement Masons	6.94				
Drywall Hangers & Finishers	6.54				
Electricians	7.55				
Glaziers	9.71				
HVAC (Heating/Ventilation/Air Conditioning Mechanics)	8.08				
Insulation Mechanics	7.50				
Iron Worker	6.50				
Laborers	4.87				
Painters	6.80				
Plasterers	7.50				
Plumbers	6.91				
Roofers	6.57				
Sheet Metal Workers	7.07				
Soft Floor Layers	7.17				
Sprinkler Fitters	13.22				
Tile Setters	8.88				
Truck Drivers	5.36				
Wallpaper Hangers	6.67				
Power Equipment Operators:					
Air Compressor	6.25				
Back Hoe	6.65				
Bulldozer	7.00				
Crane	7.50				
Grader	7.00				
Loader	7.00				
Pan/Scraper	6.00				
Paver	6.60				
Roller	6.50				
Tar Distributors	6.35				

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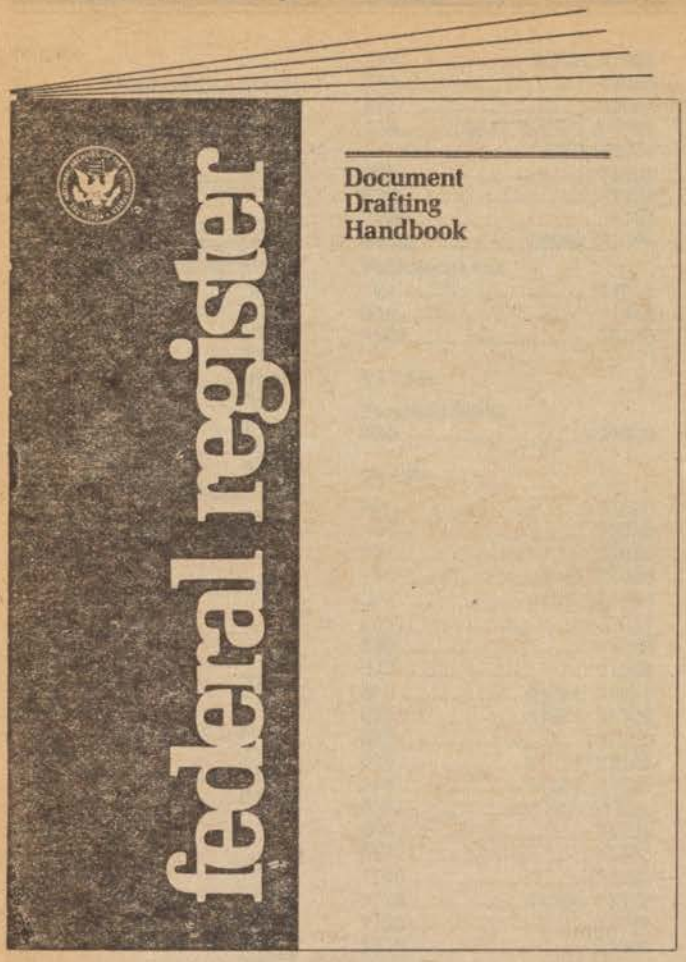

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