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Monday
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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1955

Property Management

CFR Correction

In the January 1, 1984, revision of Title 7 (Part 1945 to End) of the Code of Federal Regulations, on page 229 in § 1955.108, the text of paragraph (a)(2) is incomplete. Paragraph (a)(2) is corrected to read as set forth below.

§ 1955.108 Real property located in flood or mudslide hazard area.

(a) * * *

(2) *Property offered for sale through real estate brokers.* If real estate brokers are engaged to sell acquired property, the broker must notify prospective buyers in writing that the property is located in a special flood or mudslide hazard area.

* * * * *

BILLING CODE 1505-02-M

Animal and Plant Health Inspection Service

9 CFR Part 51

[Docket No. 84-065]

Animals Destroyed Because of Brucellosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of Interim Rule.

SUMMARY: This document affirms the interim rule which amended the regulations governing the payment of indemnity for animals destroyed because of brucellosis by adding 28 breed associations to the list of registered breed associations. This rule is necessary in order to include in the regulations all the registered breed associations that maintain records concerning the purebreeding of animals adequate to identify an animal as a registered animal of that breed association. The effect of this rule is to allow for proper payment of indemnities to owners of cattle destroyed because of brucellosis, thereby encouraging the elimination of these reactor cattle as a disease source.

EFFECTIVE DATE: August 27, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas J. Holt, Cattle Disease Staff, VS, APHIS, USDA, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION:

Background

The "Animals Destroyed Because of Brucellosis" regulations (contained in 9 CFR Part 51 and referred to below as the regulations) provide for the payment of indemnities to owners of cattle, bison, and swine destroyed because of brucellosis. Under these regulations indemnity is paid to an owner of such animals slaughtered because of brucellosis to encourage the owner to cooperate in the timely removal of infected animals from the herd or, in the case of herd depopulation, to remove a foci of infection in an otherwise clean area and thereby prevent transmission of brucellosis to nearby susceptible herds. Under § 51.3(a) of the regulations, the indemnity shall not exceed $250 for any registered cattle or nonregistered dairy cattle or, with certain exceptions, $50 for any other nonregistered cattle or bison.

To receive indemnity for registered cattle destroyed because of brucellosis, a claimant must provide registration papers for each animal, issued in the name of or transferred by the registered breed association to the name of the claimant/owner. A claimant is eligible to receive indemnity for cattle as registered animals if they are registered with a breed association listed in the list of registered breed associations in § 51.1(cc).

An Interim rule published in the **Federal Register** (49 FR 20267-20269) on May 14, 1984, amended § 51.1(cc) by adding 28 breed associations to the list of registered breed associations. (A document was published in the **Federal Register** (49 FR 21041) on May 18, 1984, to correct the spelling of one of the registered breed associations listed in the May 14, 1984, interim rule). The interim rule was made effective upon publication. Comments were solicited for 60 days following publication of the interim rule. No comments were received. The factual situation which was set forth in the document of May 14, 1984, still provides a basis for the amendment.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in accordance with Executive Order 12291 and has been determined to be not a major rule. The Department has determined that this action will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have 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.

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

This change will affect less than one percent of the cattle annually destroyed because of brucellosis in the United States.

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

List of Subjects in 9 CFR Part 51

Animal diseases, Bison, Brucellosis, Cattle, Hogs, Indemnity payments.

PART 51—ANIMALS DESTROYED BECAUSE OF BRUCELLOSIS

Accordingly, the interim rule published at 49 FR 20267-20269 on May 14, 1984, revising § 51.1(cc), is adopted as a final rule.

Authority: Secs. 3, 4, 5, 11, and 13, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 3, 76 Stat. 130; 21 U.S.C. 111-

113, 114, 114a, 114a–1, 120, 121, 125, 134b; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 21st day of August 1984.

K.R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84–22723 Filed 8–24–84; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Part 94

[Docket No. 84–053]

Change in Disease Status of Chile Because of Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of Interim Rule.

SUMMARY: This document affirms the interim rule which amended the regulations in 9 CFR Part 94 by removing Chile from the list of countries declared to be free of rinderpest and foot-and-mouth disease. The existence of foot-and-mouth disease has been confirmed in Chile. The effect of the amendments is to prohibit or restrict the importation into the United States from Chile of cattle, sheep, or other ruminants, or swine, or fresh, chilled, or frozen meats of such animals. This is warranted in order to protect the livestock of the United States from the threat of introduction or dissemination of foot-and-mouth disease into the United States.

EFFECTIVE DATE: August 27, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. M. R. Crane, Import/Export Animals and Products Staff, VS, APHIS, USDA, Room 846, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION:

Background

On March 29, 1984, an interim rule was published in the **Federal Register** (49 FR 12190) which amended the regulations in 9 CFR Part 94 by removing Chile from the list of countries declared to be free of rinderpest and foot-and-mouth disease. The interim rule became effective on the date it was signed, March 26, 1984. Comments were solicited for 60 days following publication. No comments were received. The factual situation which was set forth in the interim rule still provides a basis for the amendments.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a major rule. The Department has determined that this action will not have a significant effect on the economy, will not cause any significant increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

This action affirms an interim rule which prohibits or restricts the importation of cattle, sheep, or other ruminants, or swine, or fresh, chilled, or frozen meats or certain other products of such animals into the United States from Chile because of the existence of foot-and-mouth disease (FMD) in that country. Chile has been declared free of FMD for less than one year before the change in status. During that time, of the types of animals and products now prohibited or restricted entry into the United States because of Chile's change in status, only approximately 300 llamas and alpacas were imported. Although more llamas and alpacas likely would have been imported into the United States from Chile for a short period of time if the prohibitions and restrictions had not been imposed, it appears that the demand for such animals would have quickly tapered off as the market for such animals would have become saturated. Further, it is estimated that importations of the other animals and of the products now prohibited or restricted entry would have been negligible. Therefore, the effect of these prohibitions and restrictions should be minimal.

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

List of Subjects in 9 CFR Part 94

Animal diseases, African swine fever, Exotic newcastle disease, Foot-and-mouth disease, Fowl pest, Garbage, Hog cholera, Imports, Livestock and livestock products, Meat and meat products, Milk, Poultry and poultry products, Rinderpest, Swine vesicular disease.

PART 94—[AMENDED]

Accordingly, the interim rule which was published at 49 FR 12190 on March 29, 1984, amending §§ 94.1 and 94.11, is adopted as a final rule.

Authority: Sec. 2, 32 Stat. 792, amended; sec. 306, 46 Stat. 689, as amended; secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 21st day of August 1984.

K.R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84–22722 Filed 8–24–84; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 5

[Docket No. 84–28]

Rules, Policies and Procedures for Corporate Activities; Organization of a National Bank

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is amending its policies and procedures on chartering national banks. The amendments expedite the application process for certain organizers, eliminate a duplicative publication requirement for bank holding companies and clarify certain Office policies. The proposal is intended to benefit organizers of national banks by more clearly defining Office policy and by removing burdensome and costly regulatory requirements.

EFFECTIVE DATE: September 26, 1984.

FOR FURTHER INFORMATION CONTACT: Randall J. Miller, Manager, Policy, or Joseph W. Malott, National Bank Examiner/Policy Analyst, Bank Organization and Structure, (202) 447–1184, or Dorothy A. Sable, Senior Attorney, (202) 447–1880, Office of the Comptroller of the Currency.

SUPPLEMENTARY INFORMATION:

Purpose

The purpose of this rule is to minimize costs and burdens on bank organizers and the Office by clarifying policies and streamlining the procedures to establish a national bank.

Background

This rule is part of the Office's Corporate Activities Review and Evaluation (CARE) Program. That program is described in the Federal Register (45 FR 68586), dated October 15, 1980, and involves a comprehensive review of Office rules, policies, procedures, and forms governing filings for corporate expansion and structural changes for national banks. The goals of the CARE Program are to minimize the costs and burdens on applicants, the agency and the public; to provide a better understanding of policies; to modify or eliminate rules, policies, procedures, and forms which are unnecessary or lead to inefficiencies; and to remove barriers to competition.

Summary of the Comments

On January 6, 1984 the Office published a proposed regulation (49 FR 893) to amend its policies and procedures concerning the chartering of national banks. Six comments were received concerning the proposed revisions. One commenter submitted remarks which generally opposed any easing of chartering requirements. Two commenters supported the proposal. Three commenters objected to certain parts of the proposed rule.

Spokesperson Requirement

Three commenters objected to the proposed requirement for a spokesperson. The proposal required that the organizers of a national bank designate one member of their group as the spokesperson. The spokesperson had to be a proposed director of the new bank and would serve as the primary point of contact between the Office and the organizing group. The Office proposed the use of a spokesperson in order to increase the level of involvement by the organizing group in chartering the bank and to obtain a better perspective of the bank's proposed management prior to the bank's opening.

Currently, the Office's communications are primarily with a designated agent. Since the agent is not usually a proposed director or a member of the prospective management, the Office has little, if any, interaction with the organizing group. Once the bank is opened, the agent is removed from the process and the Office must communicate entirely with the organizing group which has become the management of the bank. The Office finds that this process provides less than the desired opportunity to evaluate and communicate with the persons who will become the bank's management. It is imperative that the Office assess the qualifications of management as completely as possible prior to granting approval of a national bank charter. The use of a spokesperson who is a proposed director and an integral and permanent member of the organizing group should facilitate this process. The Office has also found through previous experience that organizers have not been as informed as necessary about the proposed bank. The use of a spokesperson will assure direct contact with the organizing group and will probably expedite Office decisions on whether to grant a charter.

The comments centered on the following aspects of the spokesperson requirement: (1) The spokesperson requirement limits an organizing group's ability to be represented by an agent, an individual not in the organizing group who is designated to represent the group during the chartering process; (2) the spokesperson requirement would result in procedural delays and impose unnecessary burdens on organizers, who may have widely varied business interests in which they are so engrossed that the amount of time and effort they can devote to the application is limited; therefore, outside assistance to prepare documents is necessary; (3) the spokesperson requirement could jeopardize the confidentiality of certain documents; (4) the spokesperson requirement is unenforceable and easily circumvented; and (5) the spokesperson requirement displays potential discrimination against independent organizing groups that do not have access to the resources available to other organizing groups affiliated with existing banking organizations or bank holding companies.

The Office's response to the commenters' concerns follows: (1) Organizers may still rely on the assistance of lawyers, consultants, or others in the charter application process. The Office recognizes the important contribution that the advice and counsel of such individuals make to the development and implementation of a plan to start a new national bank. However, the Office's chartering policy (12 CFR 5.20(c)(2)) requires that organizers of a proposed new national bank must evidence their own willingness and ability to be active in directing the new bank's affairs. The requirement that one of the organizers serve as spokesperson and represent the organizing group is wholly consistent with the level of commitment the Office expects as evidence that the organizing group is willing to meet the § 5.20(c)(2) requirement.

(2) The organizing group should not suffer any unnecessary procedural delays or burdens as a result of the spokesperson requirement. Further, the organizing group may still use whatever outside assistance they desire to prepare documents. Currently, the Office usually directs comments and questions on a charter to the agent, i.e., lawyers, consultants or others. The agent normally is responsible for advising the organizing group about the comments and questions, and receiving their directions for action. The agent then responds to the Office. The spokesperson requirement simply reverses the paperflow in this process. The spokesperson receives the comments and questions from the Office, responds to the comments or questions directly, or requests the advice and consultation of the organizing group and the agent, and forwards a response to the Office. It is important to note that this reversing of the paperflow does not limit in any way the ability of organizers to obtain whatever assistance may be necessary to complete the chartering process and need not result in any procedural delay.

(3) Any organizer may request that portions of an application remain confidential. Moreover, if individual organizers request confidentiality on some documents, such as the financial and biographical statements, the Office will accept that part of the application directly from the person requesting confidentiality.

(4) The Office recognizes that the spokesperson requirement can be circumvented if the designated spokesperson resigns as a director shortly after the new bank has opened for business. However, such an act, in the absence of legitimate reasons, will occur infrequently, since it would create an antagonistic relationship between the bank and the Office during the delicate period immediately following the bank's opening when the bank is attempting to earn a profit.

(5) The spokesperson requirement does not discriminate against independent organizing groups. Indeed, the Office's experience clearly suggests that such groups presently rely heavily on outside advice and counsel since such advice and counsel is not available from the staff of an organization or bank holding company with which the organizing group is affiliated. As noted above, the spokesperson requirement places no limitations on the ability of organizing groups, independent or otherwise, to seek the advice and counsel of consultants, lawyers, or others in formulating and implementing

their plans for a new national bank and is not expected to substantially change the chartering process used by independent organizing groups. The use of a spokesperson is consistent with the level of commitment to the success of the new national bank that the Office expects from all organizing groups.

The Office has carefully considered the above issues and the potential problems that may arise. In light of the preceding discussion, the Office has retained the spokesperson requirement.

Another comment stated that the spokesperson should have three or more years of significant banking experience. The Office recognizes that it would be very beneficial if the spokesperson was knowledgeable about banking, but the Office views the designation of the spokesperson to be exclusively the decision of the organizing group.

Comments on Initial Capital

Two commenters objected to the proposed requirement that capital must be raised within one year from the date of preliminary approval. The comments particularly noted that technical problems beyond the control of the organizers could delay the sale of capital. The Office recognizes that such problems could occur in the sale of capital and therefore has allowed for an extension (§ 5.20(c)(3)(iii)) to the one-year policy if the delay is due to unusual circumstances.

Other Amendments

The Office is clarifying its policy concerning initial proposed capital. The Office is adding to § 5.20(c)(3)(iii) that it will consider proposals for initial capital of less than $1,000,000 if the applicant can justify the proposed capital position. The Office anticipates that such exceptions will only occur in rare situations and when the circumstances warrant an exception to the standard policy.

The Office is also making technical amendments to §§ 5.20 and 5.22 to clarify which forms are required to be filed by applicants seeking a national bank or a national trust company charter.

Regulatory Flexibility Act

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612) the Secretary of the Treasury has certified that this regulation does not have a significant economic impact on a substantial number of small entities. This final rule would ease the burden of the existing regulations. The effect of the final rule is expected to be beneficial rather than adverse, and small entities are generally expected to share the benefits of the amendments as well as larger institutions.

Executive Order 12291

This rule is not classified as a "major rule" and therefore does not require a regulatory impact analysis.

List of Subjects in 12 CFR Part 5

National banks, Organization of a national bank.

Authority and Issuance

Accordingly, the Comptroller of the Currency is amending 12 CFR Part 5 as follows:

PART 5—[AMENDED]

1. The authority citation for Part 5, *Rules, Policies, and Procedures for Corporate Activities*, reads as follows:

Authority: 12 U.S.C. 1 *et seq.*

2. Section 5.20 is amended by revising paragaphs (c)(1)(iii) and (iv), (c)(3)(ii)(C) and (D), (c)(3)(iii) and paragraph (i) to read as follows:

§ 5.20 Organization of a national bank.

* * * * *

(c) * * *

(1) * * *

(iii) When an application is disapproved, the Office sends a letter containing the basis for the disapproval to the spokesperson (a member of the organizing group and a director of the proposed bank who is designated to correspond with the Office on matters relating to the application) and other interested parties to the application. When an application is satisfactory, the Office sends a preliminary approval letter to the spokesperson. The preliminary approval letter contains the conditions and procedural requirements (see § 5.20(h) Other Procedures) that the organizing group must fulfill before the Office grants final approval for the bank to open for business.

(iv) Applications sponsored by established bank holding companies, individuals affiliated with other banking institutions, or individuals experienced in banking present a different set of circumstances from applications filed by organizing groups without substantial banking experience. The record of past performance of bank holding companies or directors, management, or individual shareholders or an existing bank which will be affiliated with the proposed bank facilitates Office appraisal of the prospect for success of the proposed bank. The Office evaluates that record of past performance through a review of the holding company's and/or affiliated institution's reports of examination, financial statements, and other information available as a result of its supervisory responsibilities. The Office also reviews the holding company's overall philosophy and plans (strategic, capital, management, profitability, etc.) for consistency and compatibility with the new bank's operating plan. When an established record facilitates analysis, the Office may permit omission of certain parts of the application. However, the record may or may not provide an advantage to the organizing group. In those instances where the proposed bank will be affiliated with a company or institution which is subject to special supervisory concern, the Office may require a full application, approve the application subject to a condition that the affiliate's problems be corrected prior to granting the charter,or deny the application. On the other hand, where the holding company or affiliated institution serves as a substantial source of strength, the Office is likely to approve the application even in markets where economic and competitive conditions are minimally hospitable.

* * * * *

(3) * * *

(ii) * * *

(C) The identification of competent executive officers (chief executive officer and/or president, cashier or similar position, and other senior personnel) at an early date is beneficial and reflects positively on the appraisal of the organizing group and its operating plan. As a condition of the charter approval, the Office retains the right to object to and preclude the hiring of any officer for a two-year period from the date the bank commences business.

(D) Because various statutory provisions require documents to be executed by either the president or the cashier, or both, a president must be employed prior to solicitation of stock subscriptions and a cashier must be hired prior to the granting of the charter and the commencement of business.

(iii) *Adequacy of capital.* The organizing group should propose initial capital (net of organizational expenses) that is sufficient to support the projected volume and type of business. In determining the adequacy of capital, the Office will consider earnings prospects, economic and competitive conditions in the community to be served, experience and competence of management, risks inherent in the expected assets and liabilities, amount of fixed asset investment, and the dependability of plans to raise, or ability of directors to supply, additional capital when needed. Initial capital should normally be in excess of $1,000,000, net of any

organizational expenses that will be charged to the bank's capital after it commences business. The Office will consider initial capital in an amount less than that normally required, if the applicant can show that proposed capital is sufficient to support the projected volume and type of business. Generally the Office will grant preliminary approval only if the level of proposed capital is acceptable. The Office may grant preliminary conditional approval to an application which proposes an unacceptable level of capital, if the application as a whole would warrant approval had capital been proposed at a level acceptable to the Office. However, preliminary approval will be conditioned upon the bank raising the amount of capital required by the Office prior to the commencement of business. The bank must raise its capital within one year from the date of preliminary approval or preliminary approval will be withdrawn. The Office may grant an extension of this condition if a delay results from unusual circumstances.

* * * * *

(i) *Forms.*

CC 7020–01: Application and Instructions to Organize a National Bank
CC 7020–20: Organization Certificate
CC 7020–25: Joint Oath of Interim Directors
CC 7020–26: Oath of Interim Directors
CC 7020–27: List of Interim Directors
CC 7020–29: Sample Subscription Offer
CC 7029–04: Sample Articles of Association
CC 7029–06: Joint Oath of National Bank Directors
CC 7029–07: Oath of National Bank Director
CC 7029–08: List of National Bank Directors

3. Section 5.20 is further amended by redesignating paragraphs (c) through (i) as (d) through (j) and by adding a new paragraph (c) to read as follows:

* * * * *

(c) *Rules of general applicability.* Section 5.8(a) does not apply to an application to organize a national bank sponsored by an existing bank holding company if public notice of the holding company's application to establish the bank will be provided under the rules of the Federal Reserve Board.

4. In § 5.22, paragraph (g) is revised to read as follows:

§ 5.22 Organization of a national bank limited to trust powers.

* * * * *

(g) *Forms.*

CC 7020–01: Application and Instructions to Organize a National Bank
CC 7020–20: Organization Certificate
CC 7020–25: Joint Oath of Interim Directors
CC 7020–26: Oath of Interim Directors
CC 7020–27: List of Interim Directors
CC 7020–29: Sample Subscription Offer
CC 7029–04: Sample Articles of Association
CC 7029–06: Joint Oath of National Bank Directors
CC 7029–07: Oath of National Bank Director
CC 7029–08: List of National Bank Directors

Dated: July 23, 1984.

C.T. Conover,

Comptroller of the Currency.

[FR Doc. 84–22563 Filed 8–24–84; 8:45 am]

BILLING CODE 4810–33–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 154, 201, 270, and 271

[Docket Nos. RM83–72–000 and RM82–16–000; Order No. 391]

Production Under Section 2(21) of the Natural Gas Policy Act of 1978

Issued: August 22, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending its regulations relating to first sales of pipeline production under the Natural Gas Policy Act of 1978 (NGPA). This final rule implements the Supreme Court's decision in *Public Service Comm'n of New York* v. *Mid-Louisiana Gas Co.*, 103 S. Ct. 3024 (1983). The Commission is including within the definition of "first sale" in section 2(21) of the NGPA the intracompany transfer of natural gas produced by the production divisional unit of a pipeline to its transmission divisional unit. The Commission defines this transfer as one that occurs at the wellhead.

The final rule also establishes five special rules for sales by interstate pipelines. First, a pipeline may continue to price old gas on a cost-of-service basis. Such a valuation would be reviewed on a case-by-case basis in the pipeline's section 4 or 5 rate case pursuant to the requirements of NGPA sections 104(b)(2) and 109(b)(2). Second, certain guidelines are established for pricing gas that previously was priced under a cost-of-service basis but which would now qualify for either the NGPA section 104 or 109 maximum lawful prices. Third, an interstate pipeline must file an intracompany operating statement to reflect how it intends to manage its gas supply with respect to gas it produces. Fourth, the Commission will apply the affiliated entities test in NGPA section 601(b) to evaluate a pipeline's pricing of gas it produces. Fifth, an interstate pipeline may pass through retroactive rate increases if it reserved the issue in its rate settlement.

In addition, the final rule consolidates §§ 270.203 (c) and (g) of the regulations that deal with affiliated production. New § 270.203(c) includes within the definition of first sale all sales of gas by an affiliate.

DATE: This rule will become effective September 26, 1984.

FOR FURTHER INFORMATION CONTACT: Michael A. Stosser, Division of Rulemaking and Legislative Analysis, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8033.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending its regulations relating to first sales of natural gas produced by a pipeline under section 2(21) of the Natural Gas Policy Act of 1978 (NGPA).[1] These amendments implement the Supreme Court's decision in *Public Service Comm'n of New York* v. *Mid-Louisiana Gas Co. (Mid-Louisiana)*.[2] The Court held that intracorporate transfers between a pipeline's production and transmission divisions could be treated as a first sale.

The Commission is determining, under NGPA section 2(21),[3] the point of first

[1] 15 U.S.C. 3301–3432 (1982).

[2] 103 S. Ct. 3024 (1983).

[3] Section 2(21) defines "first sale" as follows:

(21) FIRST SALE.—

(A) GENERAL RULE.—The term "first sale" means any sale of any volume of natural gas—

(i) to any interstate pipeline or intrastate pipeline;

(ii) to any local distribution company;

(iii) to any person for use by such person;

(iv) which precedes any sale described in clauses (i), (ii), or (iii); and

(v) which precedes or follows any sale described in clauses (i), (ii), or (iii), or (iv) and is defined by the Commission as a first sale in order to prevent circumvention of any maximum lawful price established under this act.

(B) CERTAIN SALES NOT INCLUDED.—Clauses (i), (ii), or (iii), or (iv) of subparagraph (A) shall not include the sale of any volume of natural gas by any

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sale of natural gas produced by an interstate pipeline or an intrastate pipeline, a local distribution company, or an affiliate as the point of transfer at the wellhead from the company's production divisional unit (or division) to its transmission divisional unit (or division). This is commonly referred to as an "intracompany" or "intracorporate" transfer.[4] In addition, the Commission is establishing guidelines to aid a producing interstate pipeline in determining the appropriate maximum lawful price for its production of such gas.

The Commission is requiring that an interstate pipeline reflect the intracompany transfer between its production division and transmission division in an operating statement. This statement will enable the Commission to review these transactions in the Purchased Gas Adjustment (PGA)[5] proceedings conducted under the Natural gas Act (NGA).[6] In its PGA review, the Commission will also apply the affiliated entities test, established in NGPA section 601(b)(1)(E), to determine if the interstate pipeline's production division appropriately priced the gas it produced.

The Commission is also repealing an interim rule for first sales by affiliates [7] that will become unnecessary when this rule becomes effective.

II. Background

The Commission issued a Notice of Proposed Rulemaking (NOPR) in this docket on December 28, 1983.[8] In that NOPR, the Commission provided a detailed history of its rate regulation of sales of pipeline production. The following is a brief summary of that discussion.[9]

NGA sections 4 and 5 provide that all rates charged by a pipeline for resale in interstate commerce must be "just and reasonable." To determine whether a particular rate filing meets that standard, the Commission determines, generally after an evidentiary hearing, the various costs incurred by the pipeline in providing its resale service.[10]

One of the pipeline's costs of providing resale gas service is that incurred in acquiring the gas for resale. This includes the cost of buying gas from independent and affiliated producers and the cost incurred by the pipeline to produce its own gas.

Under the NGA, the Commission developed a regulatory program under which it determined the cost (or value) of a pipeline's own production in one of two ways. Production of the Pipeline's "old gas" [11] was valued on a cost-of-service basis, a method which considers the pipeline's costs of exploration and production (such as drilling, lease acquisition, and operation costs). The valuation of the pipeline's new gas production was based on the applicable area or nationwide rates (established by the Commission),[12] which independent producers were permitted to charge for the gas they produced and sold.

Congress then established categories of ceiling prices applicable to certain first sales of natural gas under Title I of the NGPA, effective December 1, 1978. Soon after the enactment of the NGPA, the question arose whether the higher NGPA ceiling prices, which applied to sales by independent producers and affiliated producers, were also meant by Congress to apply to gas produced by pipelines. The question, in other words, was whether pipeline-produced gas would be involved in a "first sale" and therefore eligible to be priced at the higher NGPA rate levels. This issue was particularly relevant to that portion of or a pipeline's production which had been valued by the Commission under the NGA at rate levels lower than those in the NGPA.

Initially, the Commission interpreted the language of the NGPA to prohibit most pipeline production from qualifying as a matter of law for the NGPA first sale prices.[13] Therefore, the Commission required interstate pipelines to continue pricing their old gas, and specially-treated new gas, on a cost-of-service basis, not at NGPA levels.[14]

On appeal by several pipelines, the Fifth Circuit Court of Appeals overturned the Commission's rules denying first sale treatment to pipeline production.[15] The Fifth Circuit held that the NGPA requires the Commission to treat all pipeline production as subject to first sale treatment. It also held that the first sale occurs at the intracorporate transfer point, *i.e.*, the point where the gas moves between the pipeline's production and transmission divisions, not at a downstream transfer point, *i.e.*, the point where the gas is sold to the pipeline's resale customers.

In *Mid-Louisiana*, the Supreme Court overturned the Commission's first sale rule and held that "[the Fifth Circuit] Court of Appeals correctly concluded that Congress intended pipeline production to receive first sale pricing."[16] The Supreme Court also concluded that:

> Unlike the Court of Appeals, however, we believe Congress intended to give the Commission discretion in deciding whether first sale treatment should be provided at the intracorporate transfer or at the downstream transfer. The case should be remanded to the Commission so that it may make that choice.[17]

III. The Notice of Proposed Rulemaking

To implement the *Mid-Louisiana* decision, in the NOPR issued in this docket, the Commission proposed generally to define all intracorporate[18] transfers of gas produced by an interstate pipeline, an intrastate pipeline, a local distribution company, or an affiliate of those companies as a first sale. Additionally, with respect to

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interstate pipeline, intrastate pipeline, or local distribution company, or any affiliate thereof, unless such sale is attributable to volumes of natural gas produced by such interstate pipeline, intrastate pipeline, or local distribution company, or any affiliate thereof.

[4] Although the courts and the notice of proposed rulemaking refer to an "intracorporate transfer," the Commission believes that because not all pipelines are corporations, "intracompany" would be a more accurate term. Therefore, the Commission has adopted the term "intracompany transfer" in these regulations.

[5] *See* 18 CFR 154.38 (1983).

[6] 15 U.S.C. 717–717w (1982).

[7] First Sales by Affiliates, 47 FR 11,812 (Mar. 18, 1982), codified at 18 CFR 270.205(g) (1983).

[8] 49 FR 70 (Jan. 3, 1984), IV FERC Stats. and Regs. ¶ 32,360.

[9] 49 FR at 70–72, IV FERC Stats. and Regs. ¶ 32,360, at 32,826–28.

[10] FPC v. Hope Natural Gas Co., 320 U.S. 591, 603 (1944).

[11] A pipeline's "old gas" was defined as gas from the company's wells first drilled before January 1, 1983, on leases acquired before October 8, 1969. *See* Pipeline Production Area Rate Proceeding (Phase I), 42 F.P.C. 738, 745 (1969), *aff'd sub nom.*, City of Chicago v. FPC, 458 F.2d 731 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 1074 (1972); Just and Reasonable National Rates For Sales of Natural Gas, 52 F.P.C. 1604, 1634–36 (1974).

[12] If a pipeline could demonstrate that "special circumstances" warranted different treatment in its case, the Commission would authorize it to value its new gas on a cost-of-service basis. Pipeline Production Area Rate Proceeding (Phase I), *supra* note 11, at 745, 752; 18 CFR 2.66(a)(4) (1983). In addition, on review of several settlements reached in pipeline rate cases, the Commission approved cost-of-service pricing for a pipeline's new gas.

[13] *See* Final Rule Governing the Maximum Lawful Prices for Pipeline, Distributor, or Affiliated Production, 44 FR 66577 (Nov. 20, 1979) (Order No. 58); Final Rule, Pricing of Pipeline Production Under the Natural Gas Act, 45 FR 53091 (Aug. 11, 1980) (Order No. 98); and Order Denying Rehearing of Order No. 58 and Order No. 98 and Clarifying Order No. 98, 45 FR 67083 (Oct. 9, 1980) (Order No. 102).

[14] After enactment of the NGPA, the Commission acting under its discretionary authority in the NGA allowed interstate pipelines to value their new gas, which had not been specially granted cost-of-service treatment, at levels comparable to the relevant NGPA prices. This decision provided "parity" pricing treatment for pipeline production of this new gas with production of new gas by independent and affiliated producers. *See* Commission Order Nos. 98 and 102, *supra* note 13.

[15] Mid-Louisiana Gas Co. v. FERC, 664 F.2d 530 (5th Cir. 1981), *aff'd in part and rev'd in part*, Public Service Comm'n of New York v. Mid-Louisiana Gas Co., 103 S. Ct. 3,024 (1983).

[16] 103 S. CT. at 3,035.

[17] *Id.* at 3,037.

[18] *See supra* note 4.

intracorporate transfers of interstate pipeline production, the Commission proposed several regulations. First, it proposed to designate the wellhead as the point of first sale for a transfer of gas from an interstate pipeline company's production division to its transmission division. Second, it proposed to require the interstate pipeline to execute or memorialize an intracompany operating agreement to evidence the terms of such a transfer. Third, it proposed to apply the affiliated entities test in the pipeline's PGA proceeding to an intracompany transfer to determine whether the production division properly priced the gas it transferred to the transmission division. Fourth, it proposed special pricing treatment for gas produced by the interstate pipeline, especially for high-cost gas subject to NGPA section 107(c)(5).

The NOPR also proposed to repeal § 270.203(g) of the Commission's regulations, which was promulgated as an interim rule in Docket No. RM82-16-000.[19] The comments in response to these and related issues are considered below.

IV. Discussion of Comments

The Commission received 22 written comments in response to the NOPR.[20] Five of these commenters participated in the public hearing in this docket.[21]

A. Definition of First Sale

1. General Definition

For purposes of NGPA section 2(21), the NOPR proposed to define generally, as a first sale, the transfer of gas produced by an interstate pipeline, intrastate pipeline, local distribution company, or an affiliate. Generally, commenters supported this definition implementing the *Mid-Louisiana* decision.

Three commenters, however, believed that the general rule in proposed § 270.203 was confusing. Two of these commenters argued that it could be inferred from the definition that a sale of gas by an intrastate pipeline or local distribution company is a first sale if it is comprised only in part of gas produced by that entity. Therefore, a first sale maximum lawful price may be imposed on sales that may occur downstream from the point of production even though such sales may be comprised only in part of gas produced by such entities.

The Commission agrees with the commenters who argued that the regulation is confusing and has amended the section to eliminate the ambiguity. As amended, § 270.203(a) merely repeats the general rule in NGPA section 2(21) that the definition of first sale includes gas produced by an intrastate pipeline, an interstate pipeline, a local distribution company, or any affiliate thereof.

2. Affiliated Production

In Order No. 58, the Commission defined, as a first sale, any sale by an affiliate of a pipeline or a distributor if the affiliate itself was not a pipeline or distributor. In that order, the Commission promulgated § 270.203(c) because it was concerned that an affiliate that was not a pipeline or a distributor (therefore excluded from the definition of first sale by virtue of NGPA section 2(21)(B)) might circumvent NGPA ceiling prices.

Since the Fifth Circuit vacated Order No. 58, including the affiliated first sale rule, the Commission issued an interim rule establishing that a sale by an affiliate of gas not produced by that affiliate is a first sale (18 CFR 270.203(g) (1983)). Because the Supreme Court's later *Mid-Louisiana* decision vacated the Fifth Circuit decision, confusion may exist over whether the Commission has two affiliate first sale rules in place, §§ 270.203 (c) and (g). Therefore, in the NOPR, the Commission proposed to include all sales of gas by an affiliate within the definition of first sale, regardless of whether the affiliate purchased that gas or produced that gas, and proposed to repeal § 270.203(g) as duplicative. No commenters objected, so this final rule repeals § 270.203(g) and replaces it with newly-amended § 270.203(c).

B. Intracompany Transfer by Interstate Pipelines [22]

1. First Sale Location

Ordinarily, a physical transfer of natural gas from a production entity to a transmission entity marks the transfer of ownership. However, in an intracompany transfer of gas, there is no transfer of ownership. Therefore, under such circumstances, a point of transfer must be designated. The Commission proposed to designate the wellhead as the point of an intracompany transfer.

In the notice, the Commission provided three reasons for designating the wellhead as the first sale location. First, it sought to continue its general policy under the NGA of reviewing the cost of interstate pipeline production in its PGA and its NGA section 4 rate proceedings by reference to the NGPA or to area or nationwide rates. That policy presumes that the transfer of gas produced by an interstate pipeline occurs at the wellhead. Second, it would simplify the Commission's review of production-related costs incurred by an interstate pipeline. Finally, a wellhead transfer would be most easily adapted to the accounting requirements established by the Commission in the Uniform Systems of Accounts for all interstate pipelines subject to the Commission's jurisdiction.

Nine commenters supported, and two commenters opposed, the Commission's proposal to designate the wellhead as the first sale point. Those in favor agreed that any other location would result in insurmountable administrative and accounting problems. Those opposed argued that a presumption of the maximum lawful price at the wellhead ignores the possibility that parties in the pipeline's NGA section 4 rate case may bargain for a price that is lower than the NGPA ceiling. In addition, one of these commenters argued that the Commission would be unable to adequately monitor, in a pipeline's rate case, the costs that the pipeline incurs and seeks to pass through in a PGA proceeding.

The Commission believes, for the reasons noted above and in the NOPR, that the wellhead is preferable to any other location downstream as the first sale location in an intracompany transfer. The Commission disagrees with the commenters that a presumption of the NGPA ceiling prices would be applied to pipeline-produced gas in the pipeline's NGA section 4 rate case. A pipeline values its production on a cost-

[19] First Sales by Affiliates, 47 FR 11812 (March 18, 1982) (Docket No. RM82-16-000).

[20] Written comments were submitted by nine interstate pipelines, two local distribution companies, four state agencies, three public utilities, two customers, an intrastate pipeline, and a producer. They were: Arizona Electric Power Cooperative, *et al.*, Associated Gas Distributors, California Public Utilities Commission, Columbia Gas Transmission Corporation, Consolidated Gas Supply Corporation, El Paso Natural Gas Company, Gulf States Utilities Company, Kentucky West Virginia Gas Company, Louisiana Gas System Inc., Minnesota Department of Public Service, Montana-Dakota Utilities Company, National Fuel Gas Supply Corporation, Natural Gas Pipeline Company of America, New York Public Service Commission, Northern Natural Gas Company, Northwest Pipeline Corporation, Pacific Gas and Electric Company, Pennzoil Company, Phelps Dodge Corporation, *et al.*, Public Service Company of Colorado, Southwest Gas Corporation and Arizona Public Service Co., and West Virginia Public Service Commission.

[21] The public hearing was held in Washington, D.C. on February 23, 1984. The participants were Pacific Gas and Electric Company, Northwest Pipeline Corporation, Pennzoil Company, Public Service Commission of the State of New York, and Consolidated Gas Supply Corporation.

[22] *See infra* at 38-41 for discussion relating to intracompany transfer of gas by interstate pipelines.

of-service basis in its NGA section 4 rate case. This valuation is tested by the Commission against the just and reasonable standard in the NGA. For production determined to be valued at NGPA levels, a pipeline may seek to pass through these costs in its PGA filing. As for this gas, the "affiliated entities test" is applied by the Commission in a PGA proceeding.[23] Thus, merely because the pipeline's production division is permitted to price its production at the wellhead at NGPA levels does not mean that the pipeline in its resale rates may automatically value its production at NGPA levels.

2. Price Issues

When gas is transferred from the production division to the transmission division of a pipeline, the production division must determine how to price that gas. The price will vary depending on several factors. The following discussion should provide guidelines to the production division for pricing the gas it produces.

(a) *Well Category Determinations and Interim/Retroactive Collections.* The NOPR discussed how a pipeline's production division would price gas it produced under the NGPA. In order to price gas under NGPA sections 102, 103, 107, and 108, a pipeline's production division must comply with the requirements in Part 274 of the Commission's regulations. These regulations require a first seller to file an application with the appropriate jurisdictional agency for a well category determination. Pursuant to Part 273 of the Commission's regulations, that seller may make, subject to refund, interim collections of the NGPA price for that gas beginning on the date the application for the well category determination is filed with the applicable jurisdictional agency. Further, once a determination has become final, the first seller may generally make retroactive collections, but only back to the date on which the application was filed. Thus, the interim and retroactive collection provisions in Part 273 relate to the Part 274 application filing date.

The Commission proposed in § 154.42(d) to require a pipeline or an affiliate to comply with the well category determination filing requirements of Part 274. However, it proposed to waive any of those filing requirements for prior periods based on a showing that a pipeline or affiliate had no notice that it was subject to such a requirement. The effect of this waiver would be to permit interim and retroactive collections that would otherwise be barred.

The Commission received several comments on this issue. One commenter favored permitting a waiver on a case-by-case basis and suggested that the Commission establish guidelines as to how a seller would qualify for a waiver. Another commenter argued instead that the case-by-case approach was inconsistent with the decision in *Mid-Louisiana* because it would deny pipelines parity status. Therefore, it suggested that the Commission impose a blanket waiver. Another commenter agreed, arguing that the legal price for all gas production had been determined by the NGPA, not by the Commission's rulemaking proceeding. One commenter argued that the pipelines had known since Order No. 98 was issued on August 4, 1980, that they were subject to Parts 273 and 274 filing requirements. This commenter concluded that any waiver could not be permitted for periods earlier than August 4, 1980.

The Commission believes that where a pipeline's production division filed well category determination applications for gas produced from wells subject to the maximum lawful prices of NGPA sections 102, 103, 107, and 108, it should be permitted to price the gas up to the applicable maximum lawful price from the date of the application. However, where a pipeline or a distributor has failed to file a well category determination prior to the *Mid-Louisiana* decision, the Commission will consider waiving its Parts 273 and 274 and any other relevant regulations on a case-by-case basis. The Commission prefers to consider granting a waiver on a case-by-case basis rather than permitting a blanket waiver because it believes that the number of individual waiver requests would be very small. To date, only two requests for waiver are pending at the Commission.

(b) *Section 104 Versus Section 109 Pricing.* The Commission recognizes that a question exists as to the proper pricing of pipeline production not qualifying under NGPA sections 102, 103, 107 or 108. Much of this gas has been valued by the pipeline in its resale rates on a cost-of-service basis.

In order to determine whether a pipeline's production division should price gas it produces at the NGPA section 104 or 109 maximum lawful price, the pipeline should adhere to the following distinctions. If the pipeline's gas was committed or dedicated to interstate commerce before the date of enactment of the NGPA and a cost-of-service determination was in effect for that gas, the pipeline's production division should price such gas at the appropriate NGPA section 104 rate.[24] However, if the pipeline's gas was committed or dedicated to interstate commerce before the date of enactment of the NGPA and no cost-of-service determination was in effect for that gas, the pipeline's production division may price such gas at the NGPA section 109 rate (assuming any other requirements of NGPA section 109 are met).[25]

This interpretation is in keeping with the Supreme Court's emphasis in *Mid-Louisiana* that the NGPA requires the Commission to treat production by a pipeline the same as production by a producer. A producer of gas that was committed or dedicated to interstate commerce before the date of enactment of the NGPA for which a just and reasonable rate was in effect is permitted to collect the NGPA section 104 rate for such gas. The Commission believes that pipeline production priced on a cost-of-service basis should be treated the same way, assuming that NGPA sections 102, 103, 107 or 108 do not apply.

(c) *Valuation of Cost-of-Service Production.* In addition, the Commission proposed to impose a ceiling on a pipeline that continues to price its production on a cost-of-service basis. That ceiling would be the otherwise applicable NGPA maximum lawful price.

The Commission received several comments on this issue. One commenter argued that the Commission should not limit a pipeline that prices its gas on a cost-of-service basis to the NGPA ceilings because the Commission reviews the reasonableness of such pricing in the pipeline's NGA section 4 rate case. Therefore, it advocated that the pipeline should be able to choose the cost-of-service methodology, even if it exceeded the otherwise applicable NGPA maximum lawful prices. One commenter used a similar argument to advocate limiting a pipeline to its cost-of-service valuation if that valuation is less than the applicable NGPA maximum lawful price. Another

[23] *See infra* discussion at 26-30.

[24] "Certain Permian Basin gas," "Certain Rocky Mountain gas," and "Certain Appalachian Basin gas," in 18 CFR 271.402(b) (5), (6), and (7), respectively, contain a requirement that the gas be sold pursuant to a contract executed on or after a certain date. Although a pipeline that produces gas in those geographical areas will not have executed such a contract, the Commission believes that, in keeping with the *Mid-Louisiana* decision, the pipeline should be entitled to collect those rates. Therefore, with respect to pipeline production, the Commission will deem the date on which the surface drilling of the well commenced to be the date on which the contract was executed.

[25] *See, e.g., Tenneco Exploration, Ltd.* v. *FERC*, 649 F.2d 376 (5th Cir. 1981).

commenter cited a situation where the cost-of-service determination approved by the Commission already exceeds the maximum lawful price.

The Commission recognizes that there may be situations where the pricing of pipeline produced gas on a cost-of-service basis may result in a rate higher than the otherwise applicable maximum lawful price at the wellhead. If this cost-of-service determination exceeds the otherwise applicable NGPA maximum lawful price, the Commission will examine such valuation on a case-by-case basis. Because this is expected to occur infrequently, the Commission does not believe it is necessary to make a generic determination on this issue.

(d) *PGA Pass-Through of Production Costs for Cost-of-Service Gas.* One commenter argued that a pipeline that values gas on a cost-of-service basis should be permitted to pass through any changes in production costs through its PGA proceeding. It argued that a pipeline's first sale acquisition costs based on cost-of-service, including changes in such costs, should be reflected in the pipeline's rates in exactly the same fashion as first sale acquisition costs that are determined by reference to applicable NGPA maximum lawful prices.

Section 154.38(d) of the Commission's regulations authorizes an interstate pipeline to pass on the cost of its gas production to its customers through the PGA mechanism only if the gas is priced either at an area or nationwide rate under the NGA or at a maximum lawful price under the NGPA. This regulation does not allow PGA pass-through of costs of pipeline production for which the pipeline uses a cost-of-service valuation.

This is because cost-of-service determinations in NGA section 4 or section 5 rate proceedings are comprehensive and should already include all production costs. The commenter has provided no convincing rationale to depart from this traditional ratemaking approach. A pipeline's PGA clause can be used for the pass-through of its production costs only to the extent that the gas is priced at area or nationwide rates or by reference to the NGPA.[26] Also, as a practical matter, a PGA filing does not provide the information that is necessary to determine whether the cost-of-service rate for pipeline produced gas is just and reasonable. This is additional support for the Commission's conclusion that the PGA provisions should apply only to gas which, after *Mid-Louisiana*, is not required to be priced on a cost-of-service basis.

3. Intracompany Operating Statement

The NOPR proposed to require an interstate pipeline to draft an intracompany operating agreement that evidences the price, terms, and conditions for the transfer of the gas from the production division to the transmission division of the pipeline company. It stated that this agreement should be sufficiently definite to enable the Commission to determine that the intracompany transfer satisfies the affiliated entities test. The NOPR proposed to require the pipeline to file this intracompany operating agreement with its next PGA filing after the effective date of the finale rule.

(a) *The Need for a Statement.* Four commenters supported this proposal. They concurred that the agreement would benefit both the Commission and pipeline customers seeking to evaluate the information in a PGA proceeding. One commenter stated that this information would expedite review of a pipeline's PGA filing because customers would be better able to evaluate a pipeline's charges. Another commenter argued that, in view of the lack of accountability of a company conducting business with itself, *i.e.*, pricing its own gas for resale, the Commission, state regulatory agencies, and customers must be able to review a pipeline's transactions. The commenter suggested that a producing pipeline should maintain records of its transactions just as unaffiliated parties do during normal business transactions. It concluded that an intracompany agreement would help to prevent inaccuracies and fraud.

Two commenters opposed the intracompany operating agreement requirement. One commenter generally stated that the requirement might unnecessarily burden a pipeline's production operations. Another commenter argued that the requirement would subject it and other pipelines to undue and unnecessary expenses.

The NGA and section 601 of the NGPA provide the Commission with legal authority to examine a pipeline's gas acquisition costs. To adequately review the gas costs a pipeline charges (or imputes to) itself and seeks to pass through to its customers, it is important that a pipeline submit a document that reflects intracompany transfers. Just as the Commission and customers may review a pipeline's contracts with its producers or its affiliates for its gas acquisition costs, so must the Commission and customers be able to reviews the costs and terms involved with a pipeline's own production. The Commission believes that an intracompany operating statement will provide the best means to properly evaluate these costs and terms.

(b) *Contents of the Statement.* Two commenters urged the Commission to allow pipelines flexibility in developing operating agreements. One of these commenters argued that a pipeline company, to demonstrate reasonableness and fairness, would have to administer an operating agreement in essentially the same fashion as its gas purchase contracts with independent producers. The commenter stated that it would have to revise the agreement each time a well was connected or abandoned. This would be especially burdensome with stripper wells, which are subject to changes in NGPA price categories, if a pipeline is required to reflect these changes in the agreement in the same way as it does with contracts of independent producers.

Two commenters favored detailed agreements. One of these commenters suggested that any operating agreement at least specify each individual well involved and any applicable terms and conditions. It argued that, in cases where cost-of-service pricing is to continue and where the cost of the gas is less than the applicable maximum lawful price, the terms must be specific enough to ensure that each well meets the affiliated entities test. The other commenter argued that the regulations should only require that the agreement contain all the information necessary to meet the affiliated entitites test.

The NOPR's use of the term "agreement" misled many of the commenters. The Commissions did not intend this document to be a detailed report of the pipeline's valuation for its production by well, lease, or field. A pipeline already submits such detailed information in its PGA filing. Instead, the Commission intends the document to be a general statement, reflecting how a pipeline intends to manage the supply of gas it produces, but with enough specificity to enable the Commission to ascertain how the pipeline intends to treat its own production compared to how it treats gas acquired from others, *i.e.*, affiliated and non-affiliated producers. Therefore, every change in a

[26] *See, e.g.*, Purchased Gas Cost Adjustment Provision in Natural Gas Companies' FPC Gas Tariffs, 47 F.P.C. 1510, 1511 (1972) (Order No. 452-A); Final Regulation Requiring Jurisdictional Pipelines to Elect Either Adoption of PGA Clauses or General Section 4 Rate Filings to Recover Changes in the Cost of Purchased Gas, 43 FR 56031, 56033 (Nov. 30, 1978) (Order No. 16); Final Rule, Pricing of Pipeline Production under the Natural Gas Act, *supra* note 13, at 53,094.

stripper will's status need not be shown. However, the operating statement should explain how a pipeline intends to treat a well that loses its stripper well status.

The Commission believes that the term "agreement" connotes a binding contract and that the term "statement" more closely defines the type of document it wishes the pipeline to supply. Therefore, it has adopted the term "intracompany operating statement."

The Commission is requiring each interstate pipeline to file an intracompany operating statement with its first PGA filing after the effective date of this rule. Any significant change to that statement should be filed in a pipeline's subsequent PGA filing.

Two commenters objected to permitting a pipeline to include non-price terms such as take-or-pay and market-out provisions in an intracompany operating statement. One of these commenters reasoned that a pipeline that produces gas has access to its own supply and demand forecasts and can guard against a planning risk without having to rely on a take-or-pay or market-out provision. Further, an end-user should not bear the risk of a pipeline's poor planning.

The Commission agrees that a pipeline that sells and transports gas it both buys and produces should not have to rely on market-limiting provisions. Nevertheless, the Commission prefers to leave to the pipeline the decision of whether to include such provisions in its operating statement.

(c) *Alternatives to an Intracompany Operating Statement.* One commenter suggested as an alternative to the intracompany operating statement that the Commission require a pipeline to file a report as part of each PGA. This report would detail production practices during that PGA period with references to specific areas of inquiry (*e.g.*, price, measurement practices, quality specifications, and scope of dedication). The commenter argued that with this information, the Commission could ensure that the pipeline is not giving preferential treatment to its own production. With this alternative, the Commission would reduce the administrative burden on the pipeline and on ratepayers.

As discussed above, the Commission believes that the proposed alternative is contrary to the purpose of the intracompany operating statement. Much of the information in the proposed report is already provided in a PGA filing. The proposal would unnecessarily hinder pipelines in drafting the statement and delay the PGA proceeding.

4. Affiliated Entities Test

The NOPR proposed to apply the affiliated entities test to review the reasonableness of a price set by the pipeline's production division for its production.[27] It proposed to use the test to compare the price set by the pipeline production division to the price of comparable sales between unaffiliated sellers to ensure that the pipeline is not giving preferential treatment to gas it produces.

As worded, proposed regulation § 154.42 provided that the Commission would permit, in an "approved" operating agreement, the lower of the production division's price or the amount paid in comparable sales (using the affiliated entities test). One commenter interpreted the regulation to mean that the Commission would approve every operating agreement. The commenter's literal interpretation exceeds the Commission's intent. The Commission does not intend to propose to approve each operating statement. It merely intends to review the operating statements prior to permitting a producing pipeline to pass through its production costs. Therefore, the Commission has redrafted the proposed regulation to eliminate the misleading language.

Five commenters supported the Commission's proposal to apply the affiliated entities test to pipeline production to ensure that pipelines do not prefer their production of gas to that of others. One commenter suggested that the Commission should average the prices of numerous comparable sales (it suggested a minimum of 10 sales), rather than permit the pipeline to use only one comparable sale to justify the price. Another commenter urged the Commission to apply a strict test to evaluate prices paid for pipeline production. It suggested that the pipeline be permitted to charge only the lowest price paid in comparable sales by persons not affiliated with the pipeline or with each other.

The Commission is reluctant to articulate a policy to be applied, on a generic basis, on how it will use the affiliated entities test. The Commission will continue to apply the affiliated entities test in individual PGA proceedings involving pipeline production. It will analyze both price and non-price terms and compare them to the terms of unaffiliated entities producing similar gas.

While the Commission cannot detail the guidelines it uses in individual cases, it will clarify how the affiliated entities test will be applied under certain circumstances. The following discusses the treatment of NGPA section 107(c)(5) high-cost gas, NGPA section 110 production-related costs, and state severance taxes.

(a) *NGPA Section 107(c)(5) High-Cost Gas.* As indicated in the NOPR, special circumstances exist with NGPA section 107(c)(5) gas. NGPA section 107(b) grants the Commission authority to prescribe higher incentive prices for any first sale of high-cost gas to the extent the price is necessary to provide reasonable incentives for the production of high-cost gas. The Commission has established maximum lawful price ceilings for high-cost tight formation gas [28] and high-cost production enhancement gas.[29] To qualify for an incentive price, there must be evidence that the incentive price is necessary to produce such gas. The rules impose a negotiated contract price requirement, which acts as evidentiary support for the presumption that the incentive price is necessary to produce high-cost gas.[30]

The commenters who addressed this issue supported the proposal to permit a producing division to price this gas at the NGPA section 107 price, but differed as to the test that should be applied by the Commission to determine whether that price is warranted. One commenter favored eliminating the negotiated contract price requirement with respect to pipeline production, whereas two commenters were vehemently opposed to this.

The Supreme Court in *Mid-Louisiana* established that a pipeline or a distributor should be treated as a

[27] The affiliated entities test in section 601(b)(1)(E) of the NGPA is as follows: " " " [I]n the case of any first sale between any interstate pipeline and any affiliate of such pipeline, any amount paid in any first sale shall be deemed to be just and reasonable " " " if such amount does not exceed the amount paid in comparable first sales between persons not affiliated with such interstate pipeline.

[28] Regulations Covering High-Cost Natural Gas Produced from Tight Formation, 45 FR 56034 (Aug. 22, 1980) (Order No. 99, Docket No. RM79-76).

[29] Final Rule, High-Cost Natural Gas: Production Enhancement Procedures, 45 FR 77421 (Nov. 24, 1980) (Order No. 107, Docket No. RM80-50); Amendment to Final Rule and Order Granting Rehearing in Part and Denying Rehearing in Part, High-Cost Natural Gas: Production Enhancement Procedures, 48 FR 45097 (Oct. 3, 1983).

[30] The negotiated contract price requirement means any price established (1) by a contract provision that specifically references the incentive pricing authority of the Commission under section 107 of the NGPA, (2) by a contract provision that prescribes a specific fixed rate, or (3) by the operation of a fixed escalator clause. *See* 18 CFR 271.702(a)(1) (1983). This requirement was upheld in Pennzoil Co. v. FERC, 671 F.2d 119 (5th Cir. 1982).

producer under the NGPA. This means, in part, that a pipeline should have the same opportunity as a producer to qualify for and to receive incentive prices even though the pipeline both produces and sells the gas. In keeping with *Mid-Louisiana*, therefore, the Commission is amending the tight formation and production enhancement regulations to enable gas produced by a pipeline to qualify for and to receive incentive pricing.

The Commission recognizes that divisions of the same company would not be able to negotiate the arm's-length transaction required to meet the negotiated contract price requirement. Therefore, to determine whether the incentive price set by the pipeline's production division is necessary, the Commission will apply the affiliated entities test to the pipeline's pricing and acquisition practices relating to its own production. A negotiated contract price will be required.

(b) *Production-Related Costs.* Because the Commission proposed to define the first sale of pipeline production as a transfer that occurs at the wellhead, the NOPR noted that only the transmission division of the interstate pipeline would incur the production-related costs under NGPA section 110 that are necessary to effectuate delivery. Typically, these activities involve costs to deliver, compress, treat, liquefy, or condition natural gas. Currently, an interstate pipeline must reflect all production-related costs it incurs for its own production in its NGA section 4 rate proceeding. If NGPA section 110 allowances were permitted for gas transferred in a first sale at a point downstream from the wellhead, the pipeline would have to reflect some or all section 110 costs in the price paid for the gas. These costs are reviewed by the Commission in the pipeline's PGA proceeding. Thus, the pipeline would have to shift some or all production-related costs associated with specific volumes of gas it produced from its NGA section 4 rate case to its PGA filing. The Commission believed that this reallocation would be unnecessary and burdensome on the pipelines and administratively unworkable for the Commission.

Five commenters addressed the Commission's proposal to consider production-related costs borne by a pipeline for its own production only in its NGA section 4 rate case. One commenter argued that a pipeline should not be permitted to collect any production-related costs for its own production. Another commenter argued that the Commission's regulations establishing maximum allowances for production-related costs should apply to a pipeline that performs production-related activities for its own production. It argued that a pipeline should be permitted to include these costs in its PGA filing and that the Commission should apply the affiliated entities test to determine whether these costs should be passed through. It suggested permitting a pipeline to pass on to consumers the lower of the pipeline's cost-of-service of those facilities, or the maximum section 110 allowances.

Three commenters disagreed. These commenters stated that review of production-related costs should be limited to a pipeline's NGA section 4 rate case. One of these commenters argued, in response to the proposal to limit production-related cost allowances, that such a limitation conflicts with the Commission's proposal to treat a first sale of pipeline production as a wellhead sale. Costs incurred downstream of the wellhead are not incurred in a first sale because they are incurred by the pipeline's transmission division. The recovery of these costs incurred by the pipeline's transmission division is regulated by the Commission under NGA sections 4 and 5, not NGPA section 110. The commenter noted that the Commission proposed that first sales of pipeline production be deemed to take place at the wellhead precisely to avoid the problems associated with superimposing NGPA section 110 limitations on otherwise recoverable costs under the standards of NGA sections 4 and 5.

The Commission concurs with these commenters' analyses. A producing pipeline may use its production-related facilities for both its own production and for gas purchased from independent and affiliated producers. If the Commission were to adopt the proposal to evaluate the allowances in a PGA proceeding, the pipeline would be required to calculate a cost-of-service for every facility it operated and then allocate that cost, on some basis, between its own production and the other gas. As noted above, the Commission believes that such a requirement would be unduly burdensome on the pipeline and almost impossible for the Commission to administer.

Also, to allow a pipeline to include NGPA section 110 allowances in its PGA pass-through would be inconsistent with Commission policy. In promulgating § 271.1104, the Commission issued a statement of policy, codified in § 2.102, regarding production-related costs borne by a pipeline.[31] In that policy statement, the Commission indicated that a production-related service provided by a pipeline in purchasing gas in a first sale shall be deemed prudent in an NGA rate proceeding held to determine the lawfulness of the pipeline's rates and charges. The NGA rate case remains the most appropriate form for reviewing production-related costs. For the reasons outlined above, this approach is extended to pipeline production as well.

(c) *State Severance Taxes.* One commenter requested that the Commission clarify its discussion of the application of NGPA section 110 with respect to state severance taxes. The commenter argued that the production division of the pipeline pays for state severance and other production taxes and thus should be permitted to charge the transmission division to the extent that such an add-on meets the affiliated entities test.

The Commission did not intend to treat state severance and other production taxes in the same way as production-related costs under § 271.1104. The Commission will not foreclose pipelines from passing through these costs associated with pipeline production. Therefore, the Commission will permit the pipeline's pass-through of any state severance or other production taxes it pays, to the extent that such payments meet the affiliated entities test and are not otherwise precluded by the method the pipeline uses in its resale rates to value its own production.

C. Other Issues

1. Retroactive Effect of the Rule

The *Mid-Louisiana* decision invalidated the Commission's existing pipeline production regulations implementing the NGPA. Any new regulations must be effective as of December 1, 1978, the effective date of the NGPA. In the NOPR, the Commission raised the issue whether a pipeline could retroactively value its gas to reflect the difference between the otherwise applicable NGPA ceiling prices and the costs actually recovered for a pipeline's production since December 1, 1978. The NOPR proposed to retain the current Commission policy developed in several PGA proceedings initiated at the Commission after the Fifth Circuit's *Mid-Louisiana* decision. The policy is that if an interstate

[31] Final Rule, Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act, 48 FR 5152 (Feb. 3, 1983) (Order No. 94–A), *appeal pending*, Texas Eastern Transmission Corp. v. FERC, No. 83–4390 (5th Cir., record filed).

pipeline specifically reserved the issue of NGPA rate treatment for its own production in a settlement agreement, then the interstate pipeline would be entitled to retroactive collection for its production.[32] The Commission also determined that a failure to specifically reserve the issue would preclude a pipeline from recovering those costs retroactively.

Several commenters addressed this issue. Two of the six commenters, who supported the Commission's proposal to permit retroactive collection only if the pipeline reserved the issue in its settlement, sought to limit the proposal. One of these commenters argued that had the Commission permitted the same pricing for pipeline production after the passage of the NGPA as it proposed in the NOPR, the Commission would have applied the affiliated entities test to ensure that the proper costs were passed through. Therefore, even in cases where a pipeline had reserved the issue of pipeline production rates, the calculation of past-due amounts should reflect only prices that would have been permitted to be passed through under such a test. The other commenter argued that a pipeline should not be automatically entitled to retroactive collection for its production. The reservation in its settlement merely means that the pipeline may be able to collect retroactively for this production if no other agreements exclude such collection.

Two commenters argued that by permitting a pipeline that had reserved the issue to retroactively collect the NGPA rate, the Commission would be engaging in unlawful retroactive rate-making. One of these commenters argued that the Commission has the authority under the NGA only to determine just and reasonable rates. If it changes its interpretation of an existing statute or regulation and that change effectively overrules an earlier interpretation, the new regulation should not be given retroactive effect. In addition, another commenter argued that the Commission would be violating the filed rate doctrine which precludes a Federally-regulated seller of natural gas from charging a rate other than that on file with the Commission. These commenters argued that permitting the pipeline to make retroactive rate increases to allow recovery of NGPA prices would impose a harsh and unjust burden on all of that pipeline's customers.

Only two commenters argued that the Commission should permit all pipelines to retroactively collect NGPA rates regardless of whether the issue was reserved in a rate settlement. One of these commenters argued that a pipeline should not be penalized for the Commission's erroneous interpretation of the statute.

The Commission recently provided the following analysis in a PGA proceeding:

> If a pipeline (along with the Commission Staff and intervenors) has agreed to a general Section 4 rate settlement which is subsequently approved by the Commission and there is no specific reservation of an issue (such as the pipeline production issue) in the terms of the settlement agreement, a strong argument can be made that each party (including the pipeline) to the agreement "gave up" the right * * * in order to reach an agreement. As the court stated in *Texas Eastern Transmission Corp.* (*supra*, at 357):
>
> A settlement by its very nature is a compromise—a process by which positions, legal or factual, no matter how seriously maintained or legally supportable, are surrendered in whole or in part to achieve peace. If it is to be really a settlement, the parties will have weighed, consciously or unconsciously, the relative importance of subsidiary factors. Each party must give. How much to give is a matter for each party.[33]

The Commission believes that all interested parties at the time of settlement negotiations had the opportunity to decide whether or not to reserve this issue. Having either reserved the issue or not, the parties must be bound by their decisions. Nor is the Commission persuaded by the argument that ratepayers might suffer. Ratepayers were undoubtedly involved when the settlement was reached in those cases in which the pricing issue was reserved. Their opportunity to object has passed.

One commenter urged the Commission to promulgate regulations to articulate its policy that retroactive collection be permitted if the issue was reserved in the settlement, and not be permitted if the issue was not reserved. The Commission does not believe that it is necessary to codify this policy in light of clear Commission precedent and the discussion above.

2. Intrastate Sales

The NOPR proposed to include production by interstate sellers within the definition of first sale in NGPA section 2(21), production by intrastate sellers. However, while the NOPR proposed to include an intrastate pipeline's intracompany transfer within the definition of first sale, it did not propose to apply the other regulations implementing that definition to intrastate sellers. Even though the Commission might have the authority to determine the intracorporate transfer as the point of first sale for intrastate sales, the NOPR asserted that the Commission lacks jurisdiction over the rates that an intrastate pipeline or a distributor charges its customers since those rates are within the province of state regulatory agencies. The Commission specifically requested comments on the extent of its authority over intrastate sales.

One commenter argued that the Commission does have the legal authority to determine the location of a first sale for intrastate sales, based on the NGPA's definition of first sale which includes intrastate sales. It argued that an inconsistent definition of the point of first sale, varying by state or region, would undermine the goal of Congress and the NGPA to ensure a uniform natural gas market. Another commenter argued that if the Commission defines the location of a first sale with regard to intrastate sales, it would be exceeding the scope of the remand in *Mid-Louisiana*.

The Commission believes that it does have the legal authority to designate the wellhead as the intracompany transfer point for intrastate first sales. NGPA section 501 and the language in NGPA section 2(21) are sufficient for doing so. Secondly, the Commission believes that the Court in *Mid-Louisiana* contemplated that the Commission would apply the first sale location to intrastate first sales once it determined whether that location should be at the wellhead or at any location downstream from the wellhead. In fact, the Court cited one of the NGPA's motivating purposes as eliminating the dual intrastate-interstate market. Third, the Commission believes this application of the point of first sale would not conflict with the traditional retail jurisdiction of the state regulatory agencies. Therefore, the Commission has determined that, for purposes of defining a first sale for gas produced by intrastate pipelines, the intracompany transfer point is the wellhead. The Commission is amending its regulations to reflect this decision.

As indicated above,[34] the Commission recognizes that a pipeline may qualify for and receive incentive prices under NGPA section 107(c)(5). This statutory authority covers both intrastate and

[32] The notice cited, as an example, Consolidated Gas Supply Corp., 20 FERC ¶61,243 (Aug. 31, 1982) (Docket No. TA82-2-22-000), *appeal pending*, Consolidated Gas Supply Corp. v. FERC, No. 79-1546 (4th Cir., argued Mar. 6, 1984).

[33] El Paso Natural Gas Co., 20 FERC ¶ 61,443, at 61,911 (1982), *appeal pending*, Arizona Electric Power Cooperative, Inc. v. FERC, Nos. 82-2172, (D.C. Cir., argued May 30, 1984).

[34] *See supra* discussion at 28-30.

interstate pipeline producers and the Commission is empowered under the NGPA to regulate the incentive prices for both types of pipelines.[35] To qualify for the incentive price, there must be evidence that the incentive price is necessary in order to produce such gas. To eliminate any disparity, the Commission is imposing the same standard on an intrastate pipeline that it is imposing on an interstate pipeline. That is, in order to qualify for the incentive price, the intrastate pipeline must meet the affiliated entities test prior to receiving incentive prices for high-cost gas.

3. Accounting Regulations

The Commission proposed to amend its Uniform Systems of Accounts to establish new accounts for an intracompany transfer. Specifically, the Commission proposed to add two accounts: Account No. 800.1, Natural Gas Wellhead Purchases, Intracompany Transfers, and Account No. 485, Intracompany Transfers. For Account No. 800.1, the interstate pipeline would be required to maintain records for each wellhead purchase, reflecting the quantity of gas purchased and the intracompany charges for that gas, including the basis for the charges. For Account No. 485, the interstate pipeline would maintain records reflecting the quantity of gas transferred.

One commenter addressed this proposal. It stated that these accounting regulations could create additional tax liability for pipelines that operate in states which impose taxes on jurisdictional sales based upon the gross receipts from wholesale sales. Also, a pipeline that operates in states which impose taxes upon gross receipts could be subject to taxes usually calculated by reference to revenue accounts. By requiring the pipeline to record intracompany purchase amounts in its revenue accounts, the commenter thought a pipeline might inadvertently be taxed twice on revenues from the same first sale, *i.e.*, the pipeline would be taxed once on the revenues from the sale of gas for resale and once on the revenue recorded for informational purposes in Account No. 485. Therefore, the commenter recommended that the Commission provide that amounts attributable to pipeline production be recorded in a subaccount of Account No. 805, Other Gas Purchases, rather than in a revenue account such as Account No. 485.

Information in Account No. 485 relates only to the amount of gas transferred. The Commission intends to use the information reported in Account No. 485 for informational purposes in determining rates. The amounts reported in Account No. 485 should not be considered as actual revenues.

The commenter mentioned only two states in which a potential problem exists. While the Commission does not wish to impose an unnecessary burden on a jurisdictional company, it does not believe that a possible local tax problem should preclude proper regulatory accounting. The text of new Account No. 485 provides that it is not to be used to record actual sales. The Commission believes that the states involved will not seek to impose double taxes. Any remaining problems should easily be resolved directly with the two states involved, rather than through an accounting rule which impacts the entire industry across the United States.

In addition to adding Account Nos. 485 and 800.1, the Commission is revising General Instruction No. 16 (18 CFR Part 201) to clarify that § 2.66 of the Commission's regulations applies to all pipeline production not priced on a cost-of-service basis.[36]

V. Regulatory Flexibility Act Statement

The Regulatory Flexibility Act (RFA) [37] requires certain statements, descriptions, and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities." [38] The Commission is not required to make an RFA analysis if it certifies that a proposed rule will not have a "significant economic impact on a substantial number of small entities." [39]

Approximately 120 interstate natural gas companies are subject to the Commission's accounting and reporting requirements. These are large-sized entities. Approximately 50 interstate pipelines have production facilities. This rule affects only those 18 interstate pipelines that price their gas on a cost-of-service basis. These particular corporations would not be classified as small entities for purposes of the RFA.[40] Also, this rule will not have a significant impact upon any intrastate entities since state regulatory agencies can determine whether to adopt a similar regulatory regime for intrastate entities concerning their gas rates and recovery of their production costs. The only direct impact on intrastate pipelines is the requirement that they file jurisdictional agency determinations for their own production. This impact stems directly from the NGPA itself, as interpreted by the Supreme Court in *Mid-Louisiana*, and not from any proposal made in this proposed rule.

Accordingly, the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities.

VI. Effective Date and Paperwork Reduction Act Statement

The information collection provisions in this rulemaking were submitted to the Office of Management and Budget (OMB) for its review under the Paperwork Reduction Act,[41] and OMB's regulations, 5 CFR 1320.13 (1983). OMB approval was given on March 1, 1984 for changes to FERC Filing 542 (OMB Control Number 1902–0070), and on March 12, 1984 for changes to FERC Form No. 2 (OMB Control No. 1902–0028). The OMB Control Number assigned to this rule is 1902–0028.

The technical revisions to FERC Form No. 11 will be submitted to OMB for its approval. Interested persons can obtain information on those revisions by contacting the Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, D.C. 20426 (Attention: Michael A. Stosser (202) 357–8033). Comments on these revisions can be sent to the Office of Information and Regulatory Affairs of OMB (Attention: Desk Officer for the Federal Energy Regulatory Commission).

These amendments are to be effective on September 26, 1984.

List of Subjects

18 CFR Part 2

Administrative procedure and practice, Electric power, Environmental impact statements, Natural gas, Pipelines

18 CFR Part 154

Natural Gas

[35] 15 U.S.C. 3317 (1982).

[36] The Commission is amending FERC Form No. 2 to reflect the new accounts discussed in this rule. 18 CFR 260.2 (1983). (*See* the sample Form No. 2 attached hereto as Appendix A.) Also, the Commission is amending FERC Form No. 11. 18 CFR 260.3 (1983). (*See* the sample Form No. 11 attached thereto as Appendix B.) These conforming changes are purely technical in nature. FERC Form Nos. 2 and 11, as revised, are not being printed in the **Federal Register**, but are available for public inspection through the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426; telephone (202) 357–8118. Refer to Docket No. RM83–72–000 when making inquiries.

[37] Section 3, 5 U.S.C. 601–612 (1982).

[38] *Id.* § 603(a).

[39] *Id.* § 605(b).

[40] *Id.* § 601(3), citing to § 3 of the Small Business Act, 15 U.S.C. § 632 (1982). Section 3 of the Small Business Act defines "small business concern" as a business which is independently owned and operated and which is not dominant in its field of operation. *See also*, SBA's revised Small Business Size Standards, 49 FR 5024 (Feb. 9, 1984) (to be codified at 13 CFR Part 121).

[41] 44 U.S.C. 3501–3502 (1982).

18 CFR Part 201

Natural Gas, Uniform Systems of Accounts

18 CFR Part 270

Natural Gas, Wage and Price Controls

18 CFR Part 271

Continental Shelf, Natural Gas, Wage and Price Controls

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

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 2—[AMENDED]

1. In Part 2, § 2.66(e) is revised to read as follows:

§ 2.66 Pricing of certain new gas produced by pipelines and pipeline affiliates.

* * * * *

(e) *Inapplicability to certain gas produced on or after December 1, 1978.* This section does not apply to natural gas produced on or after December 1, 1978. As to that gas, § 154.42 is applicable.

2. The authority citation for § 2.66 is revised to read as follows:

(Natural Gas Act, 4, 5, and 8; 15 U.S.C. 717c, 717d, 717g (1982))

PART 154—[AMENDED]

3. The authority citation for Part 154 is revised to read as follows:

Authority: Natural Gas Act, §§ 4, 16; 15 U.S.C. 717c, 717o (1982), unless otherwise noted.

4. In Part 154, the reference to "§ 154.42(b)(1)" in § 154.38(d)(4) footnote 1 is revised to read "§ 154.42(b)".

5. Section 154.38(d)(4)(v) is amended by adding two new sentences after the third sentence to read as follows:

§ 154.38 Composition of rate schedule.

* * * * *

(d) * * *

(4) * * *

(v) * * * With its first PGA filing after September 26, 1984, the pipeline shall also furnish the Commission, jurisdictional customers, and interested state commissions an intracompany operating statement for all gas produced by the pipeline, as that term is defined in Part 270 of Subchapter H. Any changes in the intracompany operating statement shall be filed as amendments thereto in the next available PGA filing. * * *

* * * * *

§ 154.38 [Amended]

6. The authority citation for § 154.38 is revised to read as follows:

(Federal Power Act, 16 U.S.C. 791a–828c (1982); Natural Gas Act, 15 U.S.C. 717–717w (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Public Utility Regulatory Policies Act, Pub. L. 95–617, 92 Stat. 3117 (1978); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Interstate Commerce Act, 49 U.S.C. 1–27 (1982); Executive Order 12009, 3 CFR Part 142 (1978); Administrative Procedure Act, 5 U.S.C. 553 (1982))

7. Section 154.42 is revised to read as follows:

§ 154.42 Pricing of gas produced on or after December 1, 1978 by pipelines and pipeline affiliates.

(a) *Applicability.* This section applies to natural gas that is produced by an interstate pipeline or an affiliate thereof and that is delivered to such pipeline or affiliate in a first sale on or after December 1, 1978.

(b) *General rule.* Except as provided in paragraph (c) of this section, natural gas to which this section applies shall be priced at a rate not to exceed the lower of:

(1) The applicable rate under Part 271 or Part 272 of Subchapter H; or

(2) The amount paid in comparable sales between persons not affiliated with such interstate pipeline, affiliate, or each other.

(c) *Cost-of-service treatment.* A pipeline that has been permitted to price its production on a cost-of-service basis may price natural gas to which this section applies on a cost-of-service basis for ratemaking purposes in any pipeline rate proceeding. The Commission will review such a price if it exceeds the maximum lawful price that would otherwise apply to the first sale of such gas at the wellhead under Part 271 or Part 272 of Subchapter H.

(d) *Subchapter H requirements.* A pipeline or affiliate that produces natural gas for which the maximum lawful price under Part 271 or Part 272 of Subchapter H is available under paragraph (b) of this section shall be subject to all the requirements of Subchapter H including the requirement of § 270.101(d)(1) regarding applicable filing requirements under § 154.92 and § 154.94. Such pipeline or affiliate may apply for a waiver of any time-of-filing requirement in Subchapter H.

(e) *Definitions.* For purposes of this section:

(1) *NGPA definitions.* The terms "interstate pipeline," "affiliate," "first sale," and "intracompany operating statement" have the same meaning for this section as they have for Subchapter H.

(2) *Pipeline rate proceeding.* The term "pipeline rate proceeding" includes a proceeding under § 154.38(d)(4).

(Natural Gas Act, 15 U.S.C. 717–717w (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Executive Order 12009, 3 CFR Part 142 (1978))

PART 201—[AMENDED]

8. The authority citation for Part 201 is revised to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352; Executive Order 12009, 3 CFR Part 142 (1978).

9. In Part 201, following the heading "General Instructions", Instruction No. 16 is amended as follows:

a. The title is revised to read:

16. *Accounting for costs of gas production by pipelines and pipeline affiliates* (Major natural gas companies).—A. * * *

b. Paragraph B. is redesignated paragraph C. and a new paragraph B. is added to read as follows:

B. When the transfer price of gas is not determined in a cost-of-service rate proceeding, pricing of gas produced by a pipeline or pipeline affiliate shall be in accordance with § 2.66 or § 154.42 of this chapter.

* * * * *

10. Part 201 is amended as follows:

a. The Operating Revenue Chart of Accounts is amended by adding a new account number 485, immediately following account number 484, to read "485 Intracompany Transfers";

b. The Operating Revenue Accounts are amended by adding new account 485 to read as follows:

485 *Intracompany transfers.*

A. This account shall include, for informational purposes only, the amount recorded for gas supplied by the production division when the price is not determined by a cost-of-service rate proceeding.

B. Records shall be maintained so that the quality of gas transferred shall be readily available.

c. The Operating and Maintenance Expense Chart of Accounts is amended by adding a new account number 800.1, immediately following account number 800, to read "800.1 Natural Gas Well-head Purchases, Intracompany Transfers"; and

d. The Operation and Maintenance Expense Accounts are amended by adding new account 800.1 to read as follows:

800.1 *Natural gas wellhead purchases; intracompany transfers.*

A. This account shall include, for informational purposes only, the amount recorded for gas supplied by the production division when the price is not determined by a cost-of-service rate proceeding.

B. The records supporting this account shall be so maintained that there will be readily available for each well-head, the quantity of gas, the basis of intracompany charges, and the amount of intracompany charges for gas.

PART 270—[AMENDED]

11. The authority citation for Part 270 is revised to read as follows:

Authority: Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982), unless otherwise noted.

12. In Part 270, § 270.102 is amended by adding a new paragraph (b)(15) to read as follows:

§ 270.102 Definitions.

* * * * *

(b) * * *

(15) "Intracompany operating statement" means a statement indicating how an interstate pipeline intends to manage its own production of gas.

13. The authority citation for § 270.102 is revised to read as follows:

(Natural Gas Act, 15 U.S.C. 717–717w (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Executive Order 12009, 3 CFR Part 142 (1978); Energy Supply and Environmental Coordination Act, 15 U.S.C. 791, *et seq.* (1982))

14. Section 270.203 is revised to read as follows:

§ 270.203 Pipeline, distributor, and affiliate production.

(a) *General rule.* The definition of first sale in section 2(21) of the NGPA includes gas produced by an interstate pipeline, intrastate pipeline, local distribution company, or any affiliate thereof.

(b) *Intracompany transfer.*—(1) *First sales by interstate pipelines.* A transfer, at the wellhead, of gas produced by an interstate pipeline company's production divisional unit to its transmission divisional unit is the first sale under the NGPA. It must be evidenced in an intracompany operating statement.

(2) *First sales by intrastate pipelines.* A transfer, at the wellhead, of gas produced by an intrastate pipeline company's production divisional unit to its transmission divisional unit is the first sale under the NGPA.

(3) *First sales by a local distribution company.* A transfer, at the wellhead, of gas produced by a local distribution company's production divisional unit to its transmission divisional unit is the first sale under the NGPA.

(c) *Circumvention rule for certain sales by affiliates.* Any sale by an affiliate of an interstate pipeline, intrastate pipeline, or local distribution company, that is not itself such a pipeline or local distribution company is that affiliate's first sale under the NGPA unless the Commission, on application, determines not to treat such sale as a first sale.

(Natural Gas Act, 15 U.S.C. 717–717w (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Executive Order 12009, 3 CFR Part 142 (1978))

PART 271—[AMENDED]

15. The authority citation for Part 271 is revised to read as follows:

Authority: Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982).

16. In Part 271, § 271.702 is amended by adding a new paragraph (a)(4) to read as follows:

§ 271.702 General rules.

(a) * * *

(4) "Pipeline production price" means any price which is paid by the transmission divisional unit of a pipeline in a first sale to the production divisional unit of that pipeline and which does not exceed the amount paid in comparable first sales between persons not affiliated with such pipeline.

17. The authority citation for § 271.702 is revised to read as follows:

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982))

18. In Part 271, § 271.703 (a) and (a)(1) are revised to read as follows:

§ 271.703 Tight formations.

(a) *Maximum lawful price for tight formation gas.* The maximum lawful price, per MMBtu, for the first sale of tight formation gas for which there is a negotiated contract price or a pipeline production price shall be the lesser of:

(1) The negotiated contract price or the pipeline production price, as applicable; or

* * * * *

19. The authority citation for § 271.703 is revised to read as follows:

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Executive Order 12009, 3 CFR Part 142 (1978); Administrative Procedure Act, 5 U.S.C. 553 (1982))

20. In Part 271, § 271.704 (a)(1)(i) and (b)(5) are revised to read as follows:

§ 271.704 Qualified production enhancement gas.

(a) * * *

(1) * * *

(i) The renegotiated price or the pipeline production price, as applicable, as stated in the application; or

* * * * *

(b) * * *

(5) "Pipeline production price" means any price which is paid by the transmission divisional unit of a pipeline in a first sale to the production divisional unit of that pipeline and which does not exceed the amount paid in comparable first sales between persons not affiliated with such interstate pipelines.

* * * * *

21. The authority citation in § 271.704 is revised to read as follows:

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982))

[FR Doc. 84–22613 Filed 8–24–84; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Parts 11 and 375

[Docket Nos. RM83–13–001, 002, 003, 004, and 005; Order No. 379–A]

Annual Charges for Use of Government Dams and Other Structures

Issued: August 23, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting rehearing in part, denying rehearing in part, and making conforming amendments.

SUMMARY: On May 24, 1984, the Commission issued a final rule setting annual charges under section 10(e) of the Federal Power Act for hydroelectric projects that use Government dams or other structures. The Commission received timely petitions for rehearing on several issues. This order on rehearing grants rehearing in part, denies rehearing in part, and makes conforming amendments.

EFFECTIVE DATE: Section 11.22(d) of the rule will be effective November 13, 1984. If OMB's approval and control number have not been received by this date, the Commission will issue a notice temporarily suspending the effective date. The rest of the annual charges rule became effective on August 15, 1984.

FOR FURTHER INFORMATION CONTACT: Jan Macpherson, Rulemaking and Legislative Analysis Division, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North

Capitol Street, NE., Washington, D.C. 20426, (202) 357–8033.

SUPPLEMENTARY INFORMATION:

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

I. Introduction

The Federal Energy Regulatory Commission (Commission) grants in part and denies in part requests from the City of Aberdeen, Washington, the Solano Irrigation District, the Annual Charges Policy Group, the Louisville Gas and Electric Company, and the Guadalupe-Blanco River Authority of Texas to rehear portions of the final rule in Docket No. RM83–13–000.[1] This final rule sets annual charges for hydroelectric projects that use Government dams or other structures under section 10(e) of the Federal Power Act (FPA).[2] The rule adopts a "graduated flat rates" approach that uses up to three different rates to calculate a projects annual charge depending on the amount of energy the project produces.

Rehearing has been requested concerning: (1) Whether the charges for projects that produce larger amounts of energy are too high, (2) whether or in what manner the Commission should change annual charges at the statutory readjustment times, (3) whether the rule should take account of pending legislation, (4) whether there should be a credit when a licensee has paid for all or part of the Federal dam, and (5) whether the rule should be applied when another statute allegedly sets forth a different method of determining annual charges.

This order also makes two conforming changes. First, it adds a new subsection (d) covering procedures for obtaining credits against annual charges to 18 CFR 11.22, the regulation governing annual charges. This change was requested by several rehearing petitions. Second, the conforming change to the delegations of authority to the Director of the Office of Hydropower Licensing makes it clear that the Director, or his designee, will perform the calculations necessary to determine the annual charge amount to be billed each year to licensees.

II. Discussion

Following is a discussion of those arguments raised by petitioners that have not already been fully answered by the discussion in the final rule.

A. Level of Charges

To determine a project's annual charges, the final rule applies rates of 1 mill per kilowatt-hour (kwh) for the first 40 gigawatt-hours (gwh) of energy a project produces, 1½ mills per kwh for amounts greater than 40 gwh up to and including 80 gwh, and 2 mills per kwh for any energy a project produces over 80 gwh. As explained in the preamble of the rule, this graduated approach is designed to balance the competing statutory goal of providing a reasonable return to the Federal government, encouraging hydropower development, especially small projects, and minimizing costs to consumers.[3]

The Louisville Gas and Electric Company (LGE) argues that the charge for energy produced over 80 gwh (2 mills per kwh) is unreasonably high. They disagree with the Commission's statement that "due to economies of scale, higher levels of energy production have a higher value, and thus provide greater benefits to the licensee than lower levels of production."[4] LGE states that, for its Ohio Falls project, the Commission's rule would result in an annual charge almost eight times greater than the charge they paid under their initial license which was granted in 1925. LGE asks the Commission to adopt a charge of 1 mill per kwh of energy produced regardless of the amount of power a project produces.

In adopting the final rule, the Commission rejected a single rate because this approach would ignore the statutory goal of obtaining a reasonable return for the Federal government. A single rate would have to be very low so that development of small hydro projects, especially those that are marginally economic, would not be discouraged. Such a low rate, while reasonable when applied to these small projects, becomes unreasonable for larger projects that generally enjoy economies of scale not found at smaller projects.[5]

Moreover, LGE has not demonstrated that its charges under this rule would be unreasonable; they have merely complained that their charges will be higher than those set in 1925. The Commission believes that it is inappropriate to compare annual charges set almost 60 years ago to those that would result from this final rule. Moreover, LGE's current license for the Ohio Falls project specifies that the annual charges shall be between $95,000 and $2,621,000.[6] LGE's charges under the rule, which they estimate will be nearly $760,000, will be much lower than the maximum of $2,621,000 set in their license.

B. Readjustments

Under section 10(e) of the FPA, Congress has authorized the Commission to readjust a licensee's annual charges twenty years after the project becomes available for service and again every ten years thereafter. The Commission stated in the preamble of the final rule that it will retain the flexibility to set new rates or adopt a new approach for readjusting annual charges.[7] The Commission declined to adopt one particular methodology or approach for future readjustments.

LGE, the Solano Irrigation District (Solano), the Guadalupe-Blanco River Authority of Texas (Guadalupe-Blanco) and the Annual Charges Policy Group (ACPG) object to the Commission retaining this discretion. Solano argues that section 10(e) does not allow the Commission to modify its method of calculating annual charges at the readjustment times. Solano and ACPG argues that the possibility of a readjustment creates uncertainty which will discourage small or marginal hydro development. ACPG argues that the rule should apply to a full license term, not just the first twenty years. Guadalupe-Blanco says that the long-term project revenue bonds that are used to finance most of the development subject to this rule are typically for terms of 30 years and that uncertainty about readjustments will make financing more expensive. LGE argues that the rule fails to provide certainty for its Ohio Falls project because that project is subject to readjustment in 1991. LGE suggests that the Commission commit itself now to readjusting annual charges, if at all, only to account for inflation. They ask the Commission to use an index that relates to power cost and not to allow any readjustments to exceed five percent for each year preceding the readjustment.

The arguments raised concerning the scope of the Commission's power to readjust annual charges have been addressed in court. In *Montana Power*

[1] 49 FR 22770 (June 1, 1984) (issued May 24, 1984).

[2] 16 U.S.C. 803(e) (1982).

[3] 49 FR at 22772 (June 1, 1984).

[4] Request of Louisville Gas and Electric Company for Rehearing, at 5.

[5] Energy production cost at a Government dam depends mainly on the cost of the power equipment the developer must install. While there is no simple formula for this cost in terms of the size (capacity) of the installation, the cost per kilowatt of installed capacity is generally higher for smaller units, lower for larger units. *See*, U.S. Army Corps of Engineers, *Feasibility Studies for Small Scale Hydropower Additions* (July 1979). Data in this publication show that equipment costs for a plant in the range of 1–4 megawatts will tend to be about one and one-half times greater than those for a plant in the range of 15–20 megawatts.

[6] Louisville Gas and Electric Co., 22 F.E.R.C. ¶ 61,138 (Feb. 8, 1983), *Modifying* 16 F.E.R.C. ¶ 62,602 (Sept. 29, 1981).

[7] 49 FR 22772 (June 1, 1982). To date, the Commission has not readjusted the annual charges of any project using a Government dam.

Co. v. *Federal Power Commission*,[8] The Commission used a new method of calulating annual charges when it readjusted the licensee's charges. The licensee argued that section 10(e) does not allow a *de novo* determination of annual charges, but requires the Commission to assume the reasonableness of the original charges and modify them only as changed circumstances warrant. The court rejected this argument:

> In fulfilling its responsibility of fixing the rentals at intervals separated by a number of years it is more reasonable to interpret Section 10(e) to permit the Commission to redetermine the rentals than to be bound to an earlier standard not currently acceptable in comparison with others.

459 F.2d at 867.

Section 10(e) does not guarantee absolute certainty on the amount of annual charges over the entire 50-year license term on the Commission's method for determining that amount. The readjustment provision in section 10(e) was designed to ensure that annual charges remain reasonable over time while providing some degree of predictability for developers.[9] Moreover, the Commission's readjustment of annual charges is subject to the same statutory constraints as its original assessment. There is no reason to expect that readjusted charges will be unreasonable. For these reasons, the Commission will retain discretion to adopt a new approach in any readjustments and will not accept the suggestion that it bind itself to merely adjusting the rates to account for inflation.

LGE's complaint that their charges are subject to readjustment in 1991 is beside the point. Since their project is already built, hydro development cannot be discouraged in LGE's case. The Commission will not alter its decision to retain flexibility on readjustment simply because the statutory time for readjustment may occur soon for a project which has already been built.[10]

C. Effect of Pending Legislation

Solano and ACPG argue that the rule should take account of pending legislation (S. 1132 and H.R. 3660) that would set a "cap" on annual charges. They ask the Commission to recognize that "the provisions of any Federal Legislation, * * * will be applied to modify the Commission Rules, even under existing licenses * * *"[11] ACPG points out that H.R. 3660 would apply to licenses issued after its enactment and to pre-existing licenses that leave the setting of a specific charge to this rulemaking. They ask the Commission to amend the rule to state that the ceiling charges under any new legislation will apply to all licenses subject to the rule.

The Commission does not believe it is necessary to state in the rule that all licenses subject to the rule will also be subject to any new legislation. First, there is no guarantee that the pending bills or any new bills will be enacted. Second, if Congress wishes the legislation to apply to any particular situation, it can so require. The scope of legislation is a matter that lies with Congress, not this Commission.

D. Licensee Payments for Construction, Operation, and Maintenance of Federal Dam

In the preamble to its rule, the Commission stated that there may be situations in which a prospective licensee has contracted with a Federal agency to pay for part of the construction, operation, and maintenance costs of a Federal dam. We recognize that, under some circumstances, it may be reasonable as a matter of Commission discretion to adjust the annual charges under the rule to take account of these contractual payments.[12]

The City of Aberdeen, Washington (Aberdeen) and ACPG argue that when a licensee has made payments for the construction, operation, and maintenance of the Federal dam, its annual charge should be nominal or zero. They also argue that although the preamble mentions the possibility of an adjustment on a case-by-case basis, the rule itself does not explain under what circumstances the Commission may allow an adjustment. Guadalupe-Blanco asks individual relief for its Canyon Dam and Reservoir project or that language be added to the rule setting forth procedures by which licensees will be permitted to demonstrate that an adjustment is justified.

There are a wide variety of arrangements under which licensees or prospective licensees make payments to other Federal agencies related to Federal dams. For example, an irrigation district licensee may have agreed with the Bureau of Reclamation to pay for part of the irrigation dam. This agreement often is made while the dam is authorized for irrigation and, possibly, flood control purposes. A variation of this example occurs when a licensee has agreed, at the outset of the contractual arrangement, to a reallocation of its payment when power facilities are later added to the dam (as may be the case for Guadalupe-Blanco). In another instance, a licensee may agree to reimburse the Government for the costs of power facilities already built at the Federal dam that are later released for private development.

Many factors can bear on whether a credit should be given. Among these are the size of the payments, the contractual arrangements between the non-Federal and Federal entities, the purposes for which payments are made, relevant legislation, and other equitable considerations. Thus, when a licensee enters into a contract to help defray the costs of an irrigation dam for reasons relating to irrigation and flood control, no credit is appropriate because the licensee is not making payments related to power purposes. Nor do subsequent contractual amendments changing that allocation (so the payments are allocated partly for power purposes and partly for irrigation and flood control) entitle the licensee to a credit, because the licensee is still paying the same amount to the Government that was earlier shown to be related to irrigation and flood control purposes only. The Commission believes that the appropriate policy is to limit the availability of a credit against annual charges to situations in which the original contract shows clearly that the payments for dam construction, operation, and maintenance are partly or entirely for power purposes. Individual licensees must demonstrate that their circumstances justify allowing a credit.[13]

The Commission cannot determine based upon the rehearing petitions whether any particular licensee should receive a credit. A licensee which believes it should receive a credit must present its requests and supporting documentation to the Director of the Office of Hydropower Licensing (OHL) when its annual bill is rendered. The Commission is adding a new paragraph (d) to 18 CFR 11.22 to provide more explicit directions for the filing of such documentation with the Director of OHL. To the extent that the petitioners have requested the inclusion of such

[8] 459 F.2d 863 (D.C. Cir. 1972), *cert. denied*, 408 U.S. 930 (1972). *Montana* involved annual charges for Indian lands, but the readjustment provisions of section 10(e) for use of Indian lands and use of Government dams are identical.

[9] 58 Cong. Rec. 2,221–22 (Aug. 1, 1919).

[10] In Louisville Gas and Electric Co., 22 F.E.R.C. ¶ 61,138 (Feb. 8, 1983), the Commission noted that the annual charges there were subject to readjustment every ten years. This was because the license at issue there was a new license for LGE to operate an existing project for which the initial license granted in 1925 had expired.

[11] Request for Rehearing of Solano Irrigation District of Commission Order No. 379, at 3.

[12] 49 FR 22774 (June 1, 1984).

[13] 49 FR 22774 (June 1, 1984).

procedural regulations, their requests for hearing are being granted. As discussed below in section IV, this provision will be effective November 13, 1984.

E. Effect of Other Statutes and Contracts

The Commission stated in the preamble that the rule will be applied in situations where there is other legislation unless a clear Congressional repeal of section 10(e) annual charges is demonstrable. Guadalupe-Blanco says that the Flood Control Act of 1954 (1954 Act)[14] and their contract with the Corps of Engineers "provide an explicit mechanism and methodology for establishing the annual charge, * * *"[15] and that they will pay the full cost of the Canyon Dam and Reservoir based on the benefits of hydro development. Guadalupe-Blanco argues that the 1954 Act "simply establishes the specific formula by which the Government's recompense for the Canyon Dam and Reservoir is calculated."[16] They argue that the 1954 Act and section 10(e) of the FPA can be harmonized by this view.

Guadalupe-Blanco did not submit the contract they mention, nor do they otherwise demonstrate that the 1954 Act requires a particular annual charge. The 1954 Act does not establish a formula for compensating the Federal government for use of a Government dam. Rather, it provides for allocation to local interests of costs of the dam allocated to conservation, streamflow regulation, and hydropower development. Whether the financial arrangements between Guadalupe-Blanco and the Corps of Engineers justify a credit as a matter of Commission discretion will be decided if Guadalupe-Blanco submits documentation justifying such a credit, but the 1954 Act does not appear to require such a credit or otherwise supplant the Commission's authority to impose an annual charge under section 10(e).

III. Conforming Amendment

The recently-issued delegations of authority to the Director of OHL[17] did not include a sufficiently precise provision relating to the Director's responsibility for calculating a licensee's annual charges based on information submitted by the licensee. To make this authority clear, the Commission is making a conforming amendment to 18 CFR 375.314(u). Because this amendment is a matter of agency organization, procedure, and practice, prior notice and comment are not required under 5 U.S.C. 553(b) (1982). In addition, because this technical amendment conforms the Commission's regulations to existing law and practice and provides the public with essential guidance on Commission procedures, the Commission finds good cause under 5 U.S.C. 553(d) (1982) to make this amendment effective immediately upon issuance.

IV. Effective Date and Paperwork Reduction Act Statement

The information collection provision in § 11.22(d) of this final rule is being submitted to the Office of Management and Budget (OMB) for its approval under the Paperwork Reduction Act, 44 U.S.C. 3501–3502 (Supp. V 1981), and OMB's regulations, 48 FR 13666, 13694 (1983) (to be codified at 5 CFR Part 1320). Inquiries relating to the information collection provision in this rule can be made to: Jan Macpherson, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357–8033. Comments on the information collection provision can be sent to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, Washington, D.C. 20503 (Attention: Desk Officer for the Federal Energy Regulatory Commission).

Section 11.22(d) of this rule will become effective November 13, 1984. If OMB's approval and control number have not been received by this effective date, the Commission will issue a notice temporarily suspending the effective date. The rest of the rule became effective on August 15, 1984, and has received OMB Control Number 1901–0136.

List of Subjects

18 CFR Part 11

Electric power.

18 CFR Part 375

Authority delegations (government agencies).

V. Conclusion

For the reasons set forth above, the Commission grants rehearing in part, denies rehearing in part, and amends Parts 11 and 375, Title 18, Chapter I, Code of Federal Regulations, as set forth below.

By the Commission. Commissioner Sousa concurred in part and dissented in part, with a separate statement attached.

Kenneth F. Plumb,

Secretary.

PART 11—[AMENDED]

1. The authority for Part 11 reads as follows:

Authority: Sec. 10(e), 41 Stat. 1068, as amended, sec. 309, 49 Stat 858; 16 U.S.C. 803(e), 825h, unless otherwise noted.

2. In § 11.22, a new paragraph (d) is added to read as follows:

§ 11.22 Annual charges for use of Government dams or other structures under section 10(e) of the Act, excluding pumped storage projects.

* * * * *

(d) *Credits.* A licensee may file a request with the Director of the Office of Hydropower Licensing for a credit for contractual payments made for construction, operation, and maintenance of a Government dam at any time before 30 days after receiving a billing for annual charges determined under this section. The Director, or his designee, will grant such a credit only when the licensee demonstrates that a credit is reasonably justified. The Director, or his designee, shall consider, among other factors, the contractual arrangements between the licensee and the Federal agency which owns the dam and whether these arrangements reveal clearly that substantial payments are being made for power purposes, relevant legislation, and other equitable factors.

PART 375—[AMENDED]

3. The authority for Part 375 reads as follows:

Authority: Dept. of Energy Organization Act, (42 U.S.C. 7101–7352); E.O. 12009, 3 CFR 142 (1978); Administrative Procedure Act (5 U.S.C. 553 (1977)).

4. In § 375.314, paragraph (u) is revised to read as follows:

§ 375.314 Delegations to the Director of the Office of Hydropower Licensing.

* * * * *

(u) Determine the annual charges for use of Government dams or other structures to be billed to licensees each year, determine whether to allow a credit against such annual charges for contractual payments for the construction, operation, and maintenance of a Federal dam, and grant or deny waiver of penalty charges for late payment of annual charges.

* * * * *

[14] 68 Stat. 1256. *See* Request for Rehearing of Final Rule by the Guadalupe-Blanco River Authority of Texas, at 3–4 (Guadalupe-Blanco).

[15] 49 FR 22775 (June 1, 1984).

[16] Request of Guadalupe-Blanco, at 4 n.1.

[17] Delegations to the Director of the Office of Hydropower Licensing and the Director of the Office of Electric Power Regulation, 49 FR 29369 (July 20, 1984) (Order No. 388) (issued July 15, 1984).

Sousa, A.G., Commissioner, Concurring in Part and Dissenting in Part

In accordance with my concurrence in this docket issued June 6, 1984, I respectfully disagree with my colleagues' decision not to reconsider their refusal to index annual charges to the GNP Deflator with a reasonable cap.

A.G. Sousa,

Commissioner.

[FR Doc. 84-22612 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Order No. 393]

High-Cost Gas Produced From Tight Formations; Final Rule Docket No. RM79-76-127 (West Virginia-1 Addition II)

Issued: August 24, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: Under section 107(c)(5) of the Natural Gas Policy Act of 1978, the Federal Energy Regulatory Commission designates certain types of natural gas as high-cost gas. High-cost gas is produced under conditions which present extraordinary risks or costs and once designated may receive an incentive price. Under section 107(c)(5), the Commission issued a rule designating natural gas produced from tight formations as high-cost gas. Jurisdictional agencies may submit recommendations of areas for designation as tight formations. Here the Commission adopts the recommendation of the State of West Virginia, Department of Mines, Division of Oil and Gas, that additional areas of the Injun, Squaw, Weir Zones, and the Berea Sandstone of the Pocono Group Formation located on portions of Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam and Wayne Counties, West Virginia, be designated as tight formations under § 271.703(d).

EFFECTIVE DATE: This rule is effective August 24, 1984.

FOR FURTHER INFORMATION CONTACT: Elisabeth Pendley, (202) 357-8511, or C.W. Gray (202) 357-8731.

Before Commissioners: Raymond J. O'Connor, Chairman; A. G. Sousa, Oliver G. Richard III, and Charles G. Stalon.

Based on a recommendation made by the State of West Virginia, Department of Mines, Division of Oil and Gas (West Virginia), the Commission amends its regulations [1] to include additional areas of the Injun, Squaw and Weir Zones and the Berea Sandstone of the Pocono Group Formation in portions of Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam and Wayne Counties, West Virginia, as designated tight formations eligible for incentive pricing.[2] The Director of the Office of Pipeline and Producer Regulation issued a notice proposing the amendment on September 3, 1982.[3]

The Commissions will approve the designation of a tight formation recommended by the jurisdictional agency if the formation (1) has an *in situ* gas permeability throughout the pay section of 0.1 millidarcy or less; (2) the stabilized production rate against atmospheric pressure of wells completed for production in the formation without stimulation does not exceed a specific rate; (3) the well does not produce more than five barrels of crude oil per day; and (4) infill drilling restrictions have been met.

The comments filed in opposition to West Virginia's recommendation question whether the data submitted supports any of the requirements which must be met to be designated a tight formation.[4] However, in response to the comments raised, West Virginia's recommendation were determined by a careful analysis of the original data and the additional information supplied by West Virginia.

West Virginia states that it has excluded from its recommendation all areas that do not meet the guidelines established by the Commission for permeability, stabilized natural production and crude oil production.

West Virginia uses geologic and engineering data derived from geophysical well logs, production data and core samples to support its recommendation that the *in situ* permeability in the specific intervals is less than 0.1 millidarcy.

Data from core samples was used to establish that 11.6% porosity is less than 0.1 millidarcy for the Injun and Squaw zones.[5] Comparison of permeability based on core analyses with porosity data derived from geophysical well logs indicated to West Virginia that well logs could be used for reliable permeability estimates in the Injun, Squaw, Weir Zones and the Berea Sandstone. West Virginia determined that the Injun and Squaw Zones should be designated as a tight formation based on 21 wells that penetrate the zones in the recommended area.

Data from core samples was used to estimate that 10.6% porosity is less than 0.1 millidarcy permeability for the Weir Zone. West Virginia determined that this zone should be designated as a tight formation based on this porosity data.[6]

West Virginia used the same method to estimate that 7.7% porosity is less than 0.1 milidarcy permeability for the Berea Sandstone. This is based on core analyses for wells both inside the recommended area and outside. West Virginia determined that the Berea Sandstone should be designated as a tight formation based on porosity data from 32 wells.

According to West Virginia, there are no examples of stabilized natural production against atmospheric pressure from the Injun, Squaw, and Weir Zones and the Berea Sandstone in the recommended areas. This is due to the fact that tests conducted during drilling or shortly after drilling were of short duration or were unrecorded. Further, in order to do these tests, it is necessary to shut down drilling rigs for extended periods of time, a practice considered uneconomical. In addition, large volumes of gas would be vented into the atmosphere and wasted. However, West Virginia believes that the stabilized production rates against atmospheric pressure without stimulation of wells drilled to the recommended interval will not exceed the guidelines established by the Commission.

[1] 18 CFR 271.703(d) (1983).

[2] The Commission previously designated portions of the Injun-Squaw, Weir and Berea Formations in Fayette and Raleigh Counties in West Virginia as tight formations in Docket No. RM79-76 (West Virginia-1). Portions of the Injun, Weir and Berea Formations in Mercer, McDowell and Wyoming Counties in West Virginia were designated as tight formations in Docket No. RM79-76-092 (West Virginia-1 Addition).

[3] 47 FR 39863, September 10, 1982. Comments on the proposed rule were invited and several comments were received late. On May 4, 1983, a letter was sent by the Commission staff requesting additional information from West Virginia. A technical conference requested by West Virginia was held on August 16, 1983. On January 9, 1984, West Virginia answered our request for additional information.

[4] Specifically, the comments questioned (1) if there is a correlation between porosity and permeability in the recommended area and if data supplied from outside the recommended area could be used as evidence in support of the recommendation in conjunction with data suppied for the recommended area; (2) the use of unstabilized flow rates as a substitute for stabilized flow rates; (3) why justification and procedures for inclusion and exclusion of oil producing sub-areas are lacking; (4) if infill drilling had occurred since the area had been substantially developed in support of the recommendation.

[5] West Virginia treats the two zones as one since the zones were deposited in similar environments and in most areas cannot be separated into distinct units.

[6] There is very little information supplied on the Weir Zone and according to West Virginia, this is due to very little production in the area. West Virginia does expect the permeability to decrease westward since there is a lateral graduation to a siltstone-shale facies.

West Virginia submitted data that indicates the recommended areas meet the guidelines under § 271.703 of the regulations. We concur with this recommendation. With respect to the data submitted, we note that the permeability is equal to or less than 0.1 millidarcy, there is little to no oil production, the stabilized natural production is not expected to exceed the Commission guidelines and no infill drilling was authorized prior to the date of this recommendation.

Accordingly, the Commission finds that the evidence submitted by West Virginia supports the assertion that the Injun, Squaw, Weir Zones and the Berea Sandstone of the Pocono Group located in portions of Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam and Wayne Counties, West Virginia, meet the guidelines contained in § 271.703(c)(2). The Commission adopts this recommendation.

This amendment shall become effective August 24, 1984.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended to read as follows:

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding paragraphs (d)(172) through (d)(175) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

* * * * *

(172) *Injun Zone of the Pocono Group in West Virginia.* RM79–76–137 (West Virginia-1 Addition II).

(i) *Delineation of formation.* The Injun Zone is a depositional unit of Mississippian age. It is located in the Appalachian Basin in Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam and Wayne Counties, in southwestern West Virginia, with certain specified excluded areas. (A map showing the excluded areas is on file with the Commission:)

(ii) *Depth.* The designated zone has a depth ranging from 1,200 feet to 3,000 feet. The top of the zone is marked by the base of the Greenbrier Group, and the zone is separated below from the Berea Sandstone of the Pocono Group by an interval of interbedded sandstones and shales (which may include the Squaw and Weir zones) ranging from 350 to 700 feet thick. The Injun zone has a thickness ranging from 10 to 75 feet.

(173) *Squaw zone of the Pocono Group in West Virginia.* RM79–76–127 (West Virginia-1 Addition II).

(i) *Delineation of formation.* The Squaw zone is a depositional unit of Mississippian age. It is located in the Appalachian Basin in Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam, and Wayne Counties in Southwestern West Virginia, with certain specified excluded areas. (A map showing the excluded areas is on file with the Commission.)

(ii) *Depth.* The designated zone has a depth ranging from 1,250 to 3,000 feet where it is present in the stratigraphic sequence. The zone is separated from the Greenbrier Group above by a sequence of interbedded sandstones and shales (which may include the Injun zone) ranging from 10 to 75 feet thick. It is separated below from the Berea Sandstone by a sequence of sandstones and shales (which may include the Weir zone) approximately 450 feet thick. The zone has a thickness ranging from 0 to 10 feet.

(174) *Weir zone of the Pocono Group in West Virginia.* RM79–76–127 (West Virginia-1 Addition II).

(i) *Delineation of formation.* The Weir zone is a depositional unit of Mississippian age. It is located in the Appalachian Basin in Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam, and Wayne Counties in southwestern West Virginia, with certain specified excluded areas. (A map showing the excluded areas is on file with the Commission.)

(ii) *Depth.* The designated zone has a depth ranging from 2,000 to 2,250 feet where it exists in the stratigraphic sequence. The zone is separated from the Greenbrier Group above by a sequence of interbedded sandstones and shales (which may include the Injun and Squaw zones) ranging from 100 to 200 feet thick. It is separated from the Berea Sandstone below by a sequence of interbedded sandstones and shales approximately 400 feet thick. The zone has a thickness ranging from 0 to 100 feet.

(175) *Berea Sandstone of the Pocono Group in West Virginia.* RM79–76–127 (West Virginia-1 Addition II).

(i) *Delineation of formation.* The Berea Sandstone is a depositional unit of Mississippian age. It is located in the Appalachian Basin in Boone, Cabell, Kanawha, Lincoln, Logan, Mingo, Putnam, and Wayne Counties in southwestern West Virginia, with certain specified excluded areas. (A map showing the excluded areas is on file with the Commission.)

(ii) *Depth.* The designated formation has a depth ranging from 1,600 to 3,450 feet. The formation is separated from the Greenbrier Group above by a sequence of interbedded shales and sandstones (which may include the Injun, Squaw, and Weir zones) ranging from 360 to 775 feet thick. It overlies the Bedford Shale of Mississippian age, where present, or shales of Devonian age. The formation ranges from 5 to 125 feet thick.

[FR Doc. 84–22684 Filed 8–24–84; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Part 271

[Docket Nos. RM79–76–206 (Pennsylvania–2) RM79–76–207 (Pennsylvania–3) RM79–76–208 (Pennsylvania–4); Order No. 392]

High-Cost Gas Produced From Tight Formations; Pennsylvania

Issued: August 24, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: Under section 107(c)(5) of the Natural Gas Policy Act of 1978, the Federal Energy Regulatory Commission designates certain types of natural gas as high-cost gas. High-cost gas is produced under conditions which present extraordinary risks or costs and once designated may receive an incentive price. Under section 107(c)(5), the Commission issued a rule designating natural gas produced from tight formations as high-cost gas. Jurisdictional agencies may submit recommendations of areas for designation as tight formations. Here the Commission adopts the recommendations of the Commonwealth of Pennsylvania Department of Environmental Resources, Bureau of Topographic and Geologic Survey (Pennsylvania), that the Venango and Bradford Groups underlying Fayette, Westmoreland, and Indiana Counties, and portions of Jefferson and Armstrong Counties, and the "Catskill/Lock Haven" Formation underlying

Clearfield, and Cambria Counties, and portions of Clinton, Cameron, and Elk Counties, Pennsylvania, be designated as tight formations under § 271.703(d).

EFFECTIVE DATE: This rule is effective August 24, 1984.

FOR FURTHER INFORMATION CONTACT: Elisabeth Pendley, (202) 357–8476, or C. W. Gray, (202) 357–8731.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; A. G. Sousa, Oliver G. Richard III and Charles G. Stalon.

Based on a recommendation made by the Commonwealth of Pennsylvania Department of Environmental Resources, Bureau of Topographic and Geologic Survey (Pennsylvania), the Commission amends its regulations[1] to include the Venango and Bradford Groups underlying Fayette, Westmoreland and Indiana Counties and portions of Jefferson and Armstrong Counties and the Catskill/Lock Haven Formation underlying Clearfield and Cambria Counties and portions of Clinton, Cameron, and Elk Counties, Pennsylvania, as designated tight formations eligible for incentive pricing. The Director of the Office of Pipeline and Producer Regulation issued a notice proposing the amendment on November 21, 1983.[2]

Evidence submitted by Pennsylvania supports the assertion that the Venango and Bradford Groups underlying Fayette, Westmoreland, and Indiana Counties and portions of Jefferson and Armstrong Counties, and the Catskill/Lock Haven Formation underlying Clearfield and Cambria Counties and portions of Clinton, Cameron, and Elk Counties, Pennsylvania, meet the guidelines contained in § 271.703(c)(2). The Commission adopts this recommendation.

This amendment shall become effective August 24, 1984.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

[1] 18 CFR 271.703(d) (1983).

[2] 48 FR 53570 (November 28, 1983). Comments on the proposed rule were invited and six comments supporting the recommendation were received. No party requested a public hearing and no hearing was held. However, an informal conference was held on March 13, 1984, at the request of the Pennsylvania Natural Gas Associates. A Commission letter was sent to Pennsylvania on April 2, 1984, requesting clarification of submitted data; Pennsylvania's clarification was received on May 21, 1984.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended to read as follows:

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding paragraphs (d)(176), (d)(177) and (d)(178) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

* * * * *

(176) *Venango Group in Pennsylvania.* RM79–76–206 (Pennsylvania—2).

(i) *Delineation of formation.* The Venango Group underlies Fayette, Westmoreland, Indiana Counties, Jefferson County excluding the townships of Barnett and Heath, and eastern Armstrong County including the townships of Pine, Mahoning, Redbank, Wayne, Boggs, Rayburn, Valley, Cowanshannock, Plumcreek, Kittanning, Manor, Bethel, Burrell, South Bend, Kiskiminetas, Parks, and Gilpin. Excluded from the designated area are any known "sweet spots," and all areas identified by Pennsylvania in its recommendation on July 5, 1983, as gas storage areas or oil pools. The Venango Group consists of a sequence of interbedded sandstones and shales of the Upper Devonian System. The Venango Group is the younger of two Upper Devonian sand packages which are bounded by the overlying Mississippian Pocono Group and the underlying Upper Devonian Brallier Shale or its equivalent. The following sands are included in the Venango Group: Hundred Foot, Shannopin, Fifty Foot, Gantz, Upper Nineveh, Lower Nineveh, Snee, Boulder, Hickory, Blue Monday, Gordon, Gordon Stray, 2nd Butler, 1st Venango, Rosenberry, 2nd Venango, Shira, 3rd Venango, 3rd Venango Stray, 3rd, 4th and 5th Knox, Clarion, Byram, Fifth, Bayard, and Elizabeth.

(ii) *Depth.* The average subsurface depth to the top of the Venango Group is approximately 1,500 feet. The thickness of the formation ranges from 500 feet along the western edge of the designated area to 800 feet along the eastern edge.

(177) *Bradford Group in Pennsylvania.* RM79–76–207 (Pennsylvania—3).

(i) *Delineation of formation.* The Bradford Group underlies Fayette, Westmoreland, and Indiana Counties, Jefferson County excluding the townships of Barnett and Heath, and eastern Armstrong County including the townships of Pine, Mahoning, Redbank, Wayne, Boggs, Rayburn, Valley, Cowanshannock, Plumcreek, Kittanning, Manor, Bethel, Burrell, South Bend, Kiskiminetas, Parks, and Gilpin. Excluded from the designated area are any known "sweet spots," and all areas identified by Pennsylvania in its recommendation on July 5, 1983, as gas storage areas or oil pools. The Bradford Group consists of a sequence of interbedded sandstones and shales of the Upper Devonian System. The Bradford Group is the older of two sand packages which are bounded by the overlying Mississippian Pocono Group and the underlying Upper Devonian Brallier Shale or its equivalent. The following sands are included in the Bradford Group: 1st and 2nd Warren, Speechley, Tiona, Balltown, Sheffield, 1st, 2nd, and 3rd Bradford, and Kane.

(ii) *Depth.* The average subsurface depth to the top of the Bradford Group is approximately 2,500 feet. The thickness of the formation ranges from near zero along the western edge of the designated area to approximately 1,300 feet along the eastern edge.

(178) *Catskill/Lock Haven Formation in Pennsylvania.* RM79–76–208 (Pennsylvania—4).

(i) *Delineation of formation.* The "Catskill/Lock Haven" Formation underlies Cambria and Clearfield Counties, western Clinton County including the townships of Noyes, Leidy, East Keating, and West Keating, southern Cameron County including the townships of Grove and Gibson, and southeastern Elk County including the townships of Benezette and Jay. Excluded from the designated area are any known "sweet spots," and all areas identified by Pennsylvania in its recommendation on July 5, 1983, as gas storage areas or oil pools. The "Catskill/Lock Haven" Formation consists of a sequence of interbedded sandstones and shales of the Upper Devonian System which underlies the Mississippian Pocono Group and overlies the Upper Devonian Brallier Shale or its equivalent. The following sands are included in the "Catskill/Lock Haven" Formation: Hundred Foot, Fifth, Bayard, Elizabeth, Warren, Speechley, Balltown, Sheffield, Tiona, 1st, 2nd, and 3rd Bradford, and Kane.

(ii) *Depth.* The average subsurface depth to the top of the "Catskill/Lock Haven" Formation is approximately

1,400 feet. The thickness of the formation ranges from approximately 1,500 to 3,500 feet.

[FR Doc. 84-22687 Filed 8-24-84; 8:45 am]
BILLING CODE 6717-01-M

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18 CFR Part 292

[Docket No. RM79-54-001; Order No. 70-F]

Small Power Production and Cogeneration Facilities; Order Denying Rehearing

Issued: August 23, 1984

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order denying rehearing.

SUMMARY: The Federal Energy Regulatory Commission (Commission) issued a final rule (Order No. 70-E) on June 18, 1981 (46 FR 33025 (June 26, 1981)). That rule allowed new diesel and dual-fuel cogeneration facilities to qualify for benefits under sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 796 and 824a-3 (1982). The Commission received one application for rehearing of the final rule. This order denies the application because it presented no new facts or arguments that were not previously considered by the Commission.

DATES: The order is effective on August 23, 1984.

FOR FURTHER INFORMATION CONTACT: Barbara K. Christin, Division of Rulemaking and Legislative Analysis, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8033.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is denying rehearing of the final rule issued on June 18, 1981, 46 FR 33025 (June 26, 1981) (Order No. 70-E). The rule amended § 292.203 of the Commission's regulations, which establishes criteria and procedures to determine whether a small power production or cogeneration facility is eligible to qualify for benefits under sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA).[1] Specifically, the final rule allowed new diesel and dual-fuel cogeneration facilities to obtain qualifying status on a generic basis, subject to the general requirements in § 292.207.

Consolidated Edison Company of New York, Inc. (Con Ed) filed an application for rehearing of the final rule on July 17, 1981. On August 11, 1981, the Commission granted the application for rehearing solely for purposes of further consideration. For the reasons discussed below, the Commission now denies that application.

II. Background

Section 201 of PURPA requires the Commission to issue rules under which small power production and cogeneration facilities can obtain qualifying status.[2] Qualifying status enables a facility to be exempted from regulation under certain provisions of the Federal Power Act (16 U.S.C. 792-828c), from regulation under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79 through 79z-6), and from certain state laws and regulations pertaining to the regulation of electric utilities. A facility with qualifying status may obtain a rate for its power purchased by an electric utility that is equal to the incremental "avoid cost" to the utility. A qualifying facility also may obtain retail electric service on a non-discriminatory basis.

During the rulemaking proceedings to implement sections 201 and 210 of PURPA, the Commission prepared an Environmental Assessment (EA)[3] under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321-4361. Based on data developed in the EA, the Commission determined that only diesel and dual-fuel commercial cogeneration facilities in the Middle Atlantic region had the potential to cause environmentally significant effects.[4] As a result, when the Commission issued a final rule (Order No. 70),[5] it excluded new diesel cogeneration facilities from obtaining qualifying status, pending completion of a Final Environmental Impact Statement (FEIS). Later, in an order on rehearing of the final rule, the Commission also excluded new dual-fuel cogeneration facilities from obtaining qualifying status on a generic basis but, unlike facilities, permitted them to qualify for PURPA benefits on a case-by-case basis.[6]

In June 1980, the Commission made available for comment a Draft Environmental Impact Statement (DEIS). After considering the numerous comments received on the DEIS, the Commission issued the FEIS on May 1, 1981. While an FEIS is not normally subject to comment at this stage, the Commission elected to receive additional comments, ending on June 1, 1981.

The Environmental Protection Agency (EPA) and Con Ed filed timely comments on the FEIS. The comments filed by the EPA assure the Commission that the FEIS addressed the concerns that EPA has expressed in comments on the DEIS. The comments filed by Con Ed raise substantially the same arguments as those contained in its comments on the DEIS. The Commission considered, and responded to, those arguments in the FEIS and in the final rule (Order No. 70-E) allowing diesel and dual-fuel cogeneration facilities to obtain qualifying status generically. This rule was issued on June 18, 1981.

III. Discussion

In its application for rehearing, Con Ed argues that the Commission's rulemaking contained a procedural defect relating to the FEIS. In addition, Con Ed repeats the substantive arguments presented in its June 1, 1981 comments on the FEIS. Con Ed maintains that the Commission must suspend or revoke the final rule (Order No. 70-E) and reinstate the interim exclusion (in Order No. 70) because the FEIS is fatally deficient and must be substantially supplemented.

A. Procedural Issue

Con Ed contends that the Commission erred procedurally because it took final action on Order No. 70-E before the June 1, 1981 comment deadline for the FEIS, thereby precluding consideration of comments on the FEIS.

The Commission did not take final action without considering the comments filed on the FEIS. At the Commission meeting of May 29, 1981, the Commission discussed, but did not approve, a draft of Order No. 70-E. On June 15, 1981, two weeks after the close of the comment period on the FEIS, the Commission approved a revised Order No. 70-E. That final rule was issued on June 18, 1981. Thus, Con Ed's allegation is in error.

The Commission notes that Con Ed's comments on the FEIS were before the Commission, prior to its approval and issuance of Order No. 70-E. Moreover, the issues raised in Con Ed's June 1st comments were the same as those

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[1] 16 U.S.C. 796 and 824a-3 (1982).

[2] Those rules are contained in 18 CFR Part 292, Subpart B.

[3] Notice of No Significant Impact and Notice of Intent to Prepare Environmental Impact Statement, Docket Nos. RM79-54 and RM79-55, 10 FERC ¶61,314 (March 31, 1980).

[4] *Id.* at 61630.

[5] Small Power Production and Cogeneration Facilities—Qualifying Status, 45 FR 17959 (March 30, 1980) (Order No. 70) (Docket No. RM79-54 issued March 13, 1980); FERC Stats. & Regs., Reg. Preambles 1977-1981 ¶30,134.

[6] Order Granting in Part and Denying in Part Rehearing of Order Nos. 69 and 70, and Amending Regulations, 45 FR 33958 (May 21, 1980) (Docket Nos. RM79-54 and RM79-55, issued May 15, 1980); FERC Stats. & Regs., Reg. Preambles 1977-1981 ¶30,160.

raised in its earlier comments on the DEIS. These arguments were considered during the preparation of the FEIS, and therefore the Commission finds no reason to grant rehearing on this point.

B. Substantive Issues

The application for rehearing also raises a number of arguments relating to the substantive validity of the FEIS as it relates to cogeneration facilities in the New York City area. Con Ed contends that the FEIS failed to provide either a full or fair discussion of the potential environmental impacts in the New York City area of diesel and dual-fuel cogeneration facilities encouraged by PURPA. Con Ed alleges a number of deficiencies in the FEIS to support its argument that the FEIS does not meet NEPA requirements.

1. Cumulative Impact

Specifically, Con Ed contends that the FEIS failed to address the cumulative air quality impact of PURPA-induced diesel and dual-fuel cogeneration in the New York City area. Con Ed alleges that, instead of a cumulative impact study, the Commission analyzed a single 1.4 MW diesel cogeneration facility and compared the impact of that single facility with state and federal air quality standards.[7]

The Commission rejects Con Ed's argument that the FEIS considered only the effect of 1.4 MW from one facility on air quality in New York City. In fact, the FEIS addressed the cumulative impact on air quality of new commercial diesel and dual-fuel cogeneration development in the New York City area resulting from PURPA.[8] The FEIS considered an analysis of the cumulative air quality impact of 562 MW of cogeneration in New York City that was prepared for Con Ed by Environmental Research and Technology, Inc. (ERT). It also considered another analysis prepared by the staff of the New York Public Service Commission.[9] The Commission's independent evaluation of these studies provided sufficient detail to apprise it of the potential impact of new diesel and dual-fuel cogeneration on air quality in New York City.

In addition, Con Ed contends that the FEIS misused the 562 MW figure, which originally represented Con Ed's estimate of the commercial cogeneration that would be developed in New York City by 1995 without PURPA-related rate or interconnection inducements.

Again, the Commission disagrees. The FEIS evaluated the possible environmental effects of cogeneration development that might occur by 1995 in the entire Middle Atlantic Region as a result of PURPA. However, the Commission recognized that a relatively larger portion of market penetration might occur in the New York City area because, with the level of Con Ed's rates, commercial cogeneration facilities could produce electricity more cheaply than it could be bought from Con Ed. For this reason, the FEIS singled out the New York City area for further consideration.

The Commission believes that the evaluation in the FEIS was thorough and adequate under NEPA. A full consideration of the environmental consequences of encouraging cogeneration development did not require an analysis of site-specific market penetration in the New York City area. Under these circumstances, it was reasonable for the Commission to evaluate the 562 MW figure used by Con Ed in the ERT study and to find it also reasonably represented the level of diesel and dual-fuel cogeneration that the Commission expected to result from the PURPA program.

The Commission determined that the 562 MW figure was within a zone of development that might be expected for the New York City area. The FEIS established a range of 625 MW to 1,875 MW for potential new diesel and dual-fuel cogeneration development resulting from PURPA by 1995 in *all* urban areas in the Middle Atlantic Region.[10] This range of potential development therefore includes but is not limited to solely New York City, as Con Ed believes. Large urban areas in this Region include Philadelphia, Camden, Newark, Pittsburgh, Buffalo, the New York City metropolitan area and Long Island. Given the large number of major urban areas and the level of Con Ed's rates in the New York City area, it was reasonable to conclude that New York City's likely proportional share of this total was roughly one-third of the maximum projected for all urban areas in the Region. The Commission therefore was able to consider the study based on the 562 MW figure in evaluating the potential environmental impact of new diesel and dual-fuel cogeneration that could develop in the New York City area as a result of PURPA.

Experience has shown that, in fact, this estimate is probably much too high. The Commission has monitored the degree of market penetration, and current reports indicate that, since the final rule was issued, the Commission has received applications for, or notification of, qualifying status for approximately 3.15 MW of new diesel or dual-fuel cogeneration in Con Ed's New York City service area.[11] Consequently, the impact projected in the FEIS for 562 MW of new diesel and dual-fuel cogeneration appears much less likely than the Commission originally anticipated. However, as noted in the FEIS (at I–6a), the Commission will continue to monitor the development of cogeneration facilities through its reporting program, and, if necessary, could consult with appropriate agencies to determine whether future environmental action should be taken.

Finally, Con Ed also suggests that the Commission erroneously reduced the estimate of cogeneration in New York City from 562 MW to an estimate of less than 290 MW.

The FEIS analyzed the cumulative impact of many cogeneration facilities on air quality in New York City by assuming 562 MW of cogeneration, and did not use a figure of less than 290 MW as suggested by Con Ed. Con Ed relied on a discussion in the FEIS that merely reflected the possibility that increases in the price of oil could reduce the potential for cogeneration in New York City to less than 290 MW.[12] That number was not used for a cumulative impact analysis.

2. Air Quality Control Capabilities

Con Ed argues that the Commission's reliance on federal, state, and local air pollution laws to prevent air quality from deteriorating as a result of projected PURPA-induced diesel and dual-fuel cogeneration is not an adequate substitute for the detailed environmental analysis and discussion Con Ed believes is required by NEPA. Con Ed alleges, for example, that the New York State regulations presently exempt diesel and dual-fuel cogeneration facilities that use diesel oil or natural gas from construction and operating permit requirements. In addition, Con Ed points out the apparent concern of New York State and local authorities that their existing regulations

[7] DEIS, at VII–41.

[8] FEIS, at VII–12a.

[9] *See* FEIS Appendix 3.

[10] DEIS Appendix C, at C–7. The DEIS estimated that cogeneration in larger urban areas may account for 25% to 75% of the 2500 MW total projected for the Middle Atlantic Region.

[11] *See* FERC Quarterly Report on Qualifying Small Power Production and Cogeneration Facility Filings, January 1, 1984, and recent filings made under § 292.207 of the Commission's regulations. The Report and filings also show that, in addition to the 3.15 MW of new diesel and dual-fuel cogeneration in the New York City area, there has been a small amount of spark ignition cogeneration development (0.3 MW) and approximately 67.3 MW of steam turbine cogeneration development.

[12] FEIS, at VII–12a

may be inadequate to prevent substantial adverse air quality impacts.

The Commission disagrees that its consideration of air quality control by federal, state, and local authorities substituted for a detailed environmental analysis. Rather, it was one of many factors that were considered in the FEIS. The evaluation in the FEIS of potential air quality impacts resulting from congeneration would have been incomplete if it had failed to recognize the ability of air pollution control agencies to regulate the installation and operation of cogeneration facilities. The Commission's finding that sufficient authority exists at the national, state, and local level to avoid a serious environmental impact from PURPA-induced congeneration facilities in the New York area was entirely appropriate, especially in view of the relatively slow projected rate of market penetration.[13]

The discussion in the FEIS details the authority of the EPA, New York State, and New York City to regulate the construction and manner of operation of diesel and dual-fuel cogeneration facilities to protect air quality. Althouth some of these facilities presently may be exempt from state regulation as Con Ed contends, New York City has the authority to license new pollution sources such as diesel cogenerators and to conduct programmatic reviews if there is a potential for a cumulative impact. Furthermore, the agencies that administer air quality control programs in New York State have ample authority to address whatever adverse effects on air quality that may arise from even a much higher level of cogeneration than the FEIS projected.

3. Effect of Cogeneration on Con Ed's Rates

Con Ed argues that the analysis in the FEIS of the socio-economic impact of cogeneration in the New York City area is inadequate because it did not address the effect of cogeneration development on the rates charged to Con Ed's remaining customers. Con Ed states that every 100 MW of load lost to cogeneration will result in a 0.7 percent rate increase as the fixed costs of excess generating capacity are spread over the remaining customers. Con Ed alleges that the rate increases could significantly affect some customers if 1,875 MW of cogeneration capacity is installed in New York City as a result of PURPA.

The Commission was not required to prepare a detailed analysis of the effect of cogeneration on the rates to Con Ed's remaining customers. NEPA does not require an agency to evaluate economic impacts that are not interrelated with the physical environment.[14] Con Ed does not allege such a connection or provide any information to support its contention.

Moreover, as previously noted, 1,875 MW is the maximum amount of cogeneration projected for all urban areas in the Middle Atlantic Region (not for New York City) by the year 1995. This degree of market penetration in New York City alone is extremely unlikely. In any event, the FEIS projected that market penetration would proceed slowly at first.[15] Therefore, the rate impact in the early years would be minimal. In addition, any impact that might occur would be reduced or eliminated by expected increases in load growth. In fact, in the 1981 New York Power Pool submittal to the New York State Energy Office, Con Ed estimated that it would need additional capacity by 1995. As a result, the impact on rates, if any, would be a short-term phenomenon.

In addition, when cogenerated electricity is used for the cogenerator's internal energy needs and is not sold to a utility, the impact on the utility is the same as that of a conservation measure. Both may require a reallocation of demand costs due to a reduction in total kilowatt-hour demands. Although, in the short-term, Con Ed may be inclined to increase its rates, in the long-term, Con Ed's customers will benefit from the more efficient use of resources.

4. Tax Effects of Cogeneration

Con Ed contends that the Commission should have evaluated the tax effects of cogeneration. Con Ed states that a reduction in its sales will result in reduced revenues from taxes collected by state and city authorities as a percentage of electric bills. Thus, it is argued, the area's other taxpayers will have to absorb the resulting revenue losses.

The Commission recognizes that the development of cogeneration may result in lost tax revenues and that these revenue losses may result in some increase in taxes. However, there is no relationship between this potential economic effect and the physical environment. For this reason, a detailed evaluation in the FEIS of the effect of cogeneration on taxes in New York City was not required.[16] Moreover, any conclusion from such an exercise would have been based largely on speculation because of the inability to precisely estimate the degree of cogeneration development resulting from PURPA and the unforeseeable variables in state and city tax policy. The Commission does not believe that NEPA requires this type of speculation relating to socioeconomic impacts.

5. Other Issues

Con Ed argues that the FEIS is deficient because the Commission failed, in its market penetration analysis, to consider the potential for cogeneration in existing buildings.

As previously noted, the Commission estimated that the potential Middle Atlantic commercial cogeneration market by 1995 was approximately 11,000 MW.[17] That total, however, was reduced to 2500 MW of potential cogeneration because of production and installation limitations and environmental constraints.[18] Therefore, it is irrelevant that the Commission did not consider existing buildings in arriving at the 11,000 MW. Had it done so, the ultimate potential for cogeneration may have been slightly higher than 11,000 MW, but the growth-limited market for 2500 MW of cogeneration, on which the analyses in the FEIS were based, would have remained the same.

Con Ed also contends that there is no support for assuming the market penetration of commercial cogeneration facilities is limited by the existing capacity to manufacture cogeneration equipment.

The Commission does not accept Con Ed's characterization that equipment manufacturing capability was the only limitation that was considered in determining the growth-limited market. The potential for cogeneration in the commercial sector also was limited by the ability to produce and to install practicable and workable cogeneration systems because of the limited number of engineering and architectural firms with expertise in the design and installation of these systems. In addition, as noted in the FEIS, the maintenance of air quality by federal, state, and local authorities limited the market penetration potential of cogeneration facilities.

Con Ed argues that the Commission erred because the FEIS did not consider the environmental effects of spark ignition engine cogeneration facilities that might be located in the New York

[13] *See* DEIS Appendix C, Figure C-2.

[14] *Metropolitan Edison Co.* v. *People Against Nuclear Energy*, 103 S.Ct. 1556, 1560, 1563 (1983); 40 CFR 1508.14. (1984)

[15] *See* DEIS Appendix C, Figure C-2.

[16] *See Metropolitan Edison, supra* note 14.

[17] DEIS Appendix C, at C-7.

[18] *Id.* at C-1, C-6, C-7.

City area. It asserts that, in view of the high nitrogen oxide emission rate from these facilities, the Commission should deny qualifying status to spark ignition cogeneration facilities in areas where air quality is already marginal.

The Commission rejects this argument. The EA made a finding that only new diesel and dual-fuel commercial cogeneration facilities in the Middle Atlantic Region had the potential to cause environmentally significant effects. As a result, when Order No. 70 was issued, the Commission permitted spark ignition cogeneration facilities, among others, to obtain qualifiying status.[19] Con Ed's objections to the inclusion of spark ignition cogeneration facilities were properly raised in an application for rehearing of Order No. 70. The Commission rejected those arguments in the order on rehearing of Order No. 70 [20] and need not address the issue in this proceeding.

Con Ed raises other arguments in its application for rehearing. However, the Commission believes that further discussion of those issues here is unnecessary because they were considered by the Commission and adequately discussed in the FEIS and in the preamble to the final rule (Order No. 70–E).

IV. Conclusion

Accordingly, for the reasons discussed above, in the preamble to the final rule, and in the FEIS, the Commission denies the application for rehearing of Order No. 70–E.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–22611 Filed 8–24–84; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Part 385

[Docket No. RM83–1–001; Order No. 375–A]

Rules of Practice and Procedure; Reconsideration of Initial Decisions

Issued August 23, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order denying rehearing.

SUMMARY: On May 16, 1984, the Federal Energy Regulatory Commission (Commission) issued a final rule to require, in designated wholesale electric rate cases, the filing of motions for reconsideration of initial decisions as a prerequisite to seeking Commission review of those decisions.

In this order, the Commission denies a request, filed on behalf of Wisconsin Customers, for rehearing of that portion of the final rule that establishes deadlines for the receipt of briefs on and opposing exceptions.

EFFECTIVE DATE: The order is effective on August 23, 1984.

FOR FURTHER INFORMATION CONTACT: Fredric D. Chanania, Deputy Assistant General Counsel, Rulemaking and Legislative Analysis Division, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357–8033.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; A. G. Sousa, Oliver G. Richard III, and Charles G. Stalon.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is denying a request from Wisconsin Customers[1] to rehear a portion of its final rule in Docket No. RM83–1–000.[2] That portion requires participants, in designated wholesale electric rate cases, to file briefs on and opposing exceptions within 20 and 10 days respectively after a presiding officer rules on a motion for reconsideration of an initial decision.[3]

II. Discussion

A. The Final Rule

On May 16, 1984, the Commission issued a final rule to require, in designated wholesale electric rate cases, the filing of motions for reconsideration of initial decisions as a prerequisite to seeking Commission review of those decisions.[4] The rule is designed to improve the quality and timeliness of the Commission's decisionmaking process by ensuring that, in the more routine electric rate cases, the Commission will be able to adopt summarily a presiding officer's initial decision.

Under this rule, participants in designated cases file motions for reconsideration of a presiding officer's initial decision within 30 days after that decision is issued. The rule then establishes the following timetables for subsequent actions:

- Within 20 days of the last date for filing a motion for reconsideration, a reply to the motion may be submitted.
- Within 30 days after the last pleading is filed, the presiding officer will rule on the motion and, if the motion is granted, revise the initial decision.
- Within 20 days after the presiding officer's ruling on the motion has been issued, a brief on exceptions may be filed with the Commission.
- Within 10 days after the last date for filing a brief on exceptions, a brief opposing exceptions may be filed.

As a result of these additional procedures, a presiding officer will have an opportunity to correct any errors in an initial decision, to clarify or otherwise resolve any issues that may not be clear or well-documented by the hearing record, and to modify any ruling if compelling reasons to do so are advanced by the participants.

In establishing the timetables for reconsideration, the Commission has considered both the need to achieve expedition in designated wholesale electric rate cases and the need to provide participants adequate opportunity to present their views and arguments. The Commission believes that a full brief is likely to be necessary when a motion for reconsideration is filed, in order for the parties to adequately present all their arguments.[5] The Commission therefore has provided longer periods—30 days for motions and 20 days for replies—during the reconsideration stage of the proceeding. Because all arguments for and against an initial decision would be presented during this reconsideration stage, the Commission has provided shorter periods—20 days for briefs on exceptions and 10 days for briefs opposing exceptions—for appeals to the Commission after reconsideration has been completed.[6]

B. The Rehearing Request

In their request for rehearing, Wisconsin Customers disagree with the Commission's determination to allow 20 and 10 days respectively for briefs on and opposing exceptions. Their disagreement centers on the practical difficulties in meeting the Commission's time limits, particularly the 10-day

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[19] *See supra* note 5.

[20] *See supra* note 6.

[1] "Wisconsin Customers" is the collective name for a number of cities and villages in Wisconsin, the Washington Island Electric Cooperative, the Ontonagon County Rural Electrification Association, the Oconto Electric Cooperative, and the Wisconsin Public Power, Inc. System.

[2] Rules of Practice and Procedure: Reconsideration of Initial Decisions, 49 FR 21,312 (May 21, 1984) (Order No. 375) (hereinafter referred to as *Final Rule*).

[3] An order granting rehearing solely for the purpose of further consideration was issued in this docket on July 13, 1984, 49 FR 29,005 (July 18, 1984).

[4] This final rule added a new Rule 717 to the Commission's Rules of Practice and Procedure, to be codified at 18 CFR 385.717.

[5] *Final Rule, supra* note 2, at 21,314.

[6] *Id.*

period for filing briefs opposing exceptions.

Wisconsin Customers argue that the final rule penalizes participants not represented by counsel in Washington, D.C. because of the time involved, first, in obtaining a copy of the brief on exceptions and, second, in preparing a brief opposing exceptions with sufficient speed to permit its filing within 10 days. By their calculations, a non-Washington attorney would effectively have only four days in which to prepare a brief to the Commission opposing exceptions. They therefore suggest that the time periods for briefs on the opposing exceptions should each be extended by 10 days to 30 and 20 days, respectively. They contend that this additional time will have a negligible effect on "speeding up the regulatory process" and will allow them to draft a brief "in a coherent and well-reasoned fashion." Wisconsin Customers further argue that because the Commission will rely on these briefs for its final decision, their preparation "should not be regarded in any sense as perfunctory by the parties or the Commission."

C. Disposition

The Commission is not persuaded to change the procedural timetables established in the final rule for several reasons. First, as a general proposition, although the Commission recognizes that its rule could require an effort to comply on the part of some participants,[7] the Commission believes that the need to expedite its proceedings far outweighs any drawbacks of the time limits established in the final rule. The overall goal of the final rule is to accelerate the Commission's decision-making process in certain electric rate cases, which will benefit all parties involved. The prejudice to all participants occasioned by unnecessary delays in these proceedings, which the rule is designed to avert, sufficiently justifies keeping the current time limits even though some participants will have to prepare briefs within short time periods.[8]

Second, in establishing procedures, the Commission does, of course, take into account the needs of all entities likely to be affected. In the final rule at issue here, the Commission revised its procedural timetables to account for the concerns expressed by commenters to the Notice of Proposed Rulemaking.[9] Because the Commission's goal is to promulgate uniform rules that will meet its general policy objectives equitably, we are not now persuaded to depart from the timetables in the final rule.

Third, the rehearing request from Wisconsin Customers focuses primarily on the 10-day time limit for briefs opposing exceptions and contains no basis for modifying the 20-day period permitted for briefs on exceptions. With respect to briefs opposing exceptions, the Commission anticipates that by the time this last procedural stage is reached, participants will have sufficient knowledge of each other's positions to prepare a brief within the allotted time. The Commission appreciates the importance of these briefs but believes that, in most cases, the briefs will address issues that have been aired throughout the proceeding or, at a minimum, during reconsideration. As a result, participants generally will have had ample opportunity to formulate their own views and will be able to draft their briefs opposing exception quickly.

Fourth, technological improvements in communications, as well as the availability of numerous overnight delivery services, should speed up the actual transit time needed to obtain or file briefs. These factors further convince the Commission that its original determination is correct and that expedition of electric cases outweighs the potential problems raised by Wisconsin Customers.

III. Conclusion

For the foregoing reasons, the Commission denies rehearing of the final rule as requested by Wisconsin Customers.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22686 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[7] The Commission notes, in passing, that Wisconsin Customers is the only group that has objected to the procedural time-table, even though numerous other participants in Commission proceedings may be represented by non-Washington counsel.

[8] This determination is consistent with our previous decisions in response to similar concerns. *See, e.g.*, Final Rule, Revision of Rules of Practice and Procedure to Expedite Trial-Type Hearings, 47 FR 19014, 19017 (May 3, 1982) (discussing Rule 213).

[9] *Final Rule, supra* note 2, at 21,313.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Rescheduling of Methaqualone From Schedule II to Scheldule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This is a final rule issued by the Administrator of the Drug Enforcement Administration (DEA) rescheduling the Schedule II depressant methaqualone into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This action is required in order to comply with Pub. L. 98-329, an Act to provide for the rescheduling of methaqualone into Schedule I of the CSA and for the withdrawal of approval of its new drug application.

EFFECTIVE DATE: August 27, 1984.

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

SUPPLEMENTARY INFORMATION: On June 29, 1984, Pub. L. 98-329 was enacted, thereby requiring the Attorney General to transfer methaqualone from Schedule II to Schedule I of the CSA. Pub. L. 98-329 also requires the Secretary of the Department of Health and Human Services (DHHS), pursuant to section 505 of the Federal Food, Drug and Cosmetic Act, to withdraw the approval of the new drug application for methaqualone. After the rescheduling and the withdrawal of approval of the new drug application, methaqualone will no longer be available for prescription by medical practitioners or dispensing by pharmacists. Persons currently registered with DEA to conduct Schedule II activities with methaqualone will not be allowed to conduct such activities after [August 27, 1984], except as otherwise provided in paragraphs 2 and 4 below. Persons interested in conducting activities allowed for Schedule I substances must comply with the following:

1. *Registration.* Any person not currently registered for Schedule I activities who manufactures, distributes, imports, exports, engages in research, or conducts instructional activities with respect to methaqualone, or who proposes to engage in such activities, shall submit an application for Schedule I registration to conduct such activities in accordance with 21 CFR Parts 1301 and 1311.

2. *Disposal of Stock.* Any person who elects not to obtain a Schedule I registration or is not entitled to such registration must surrender all quantities of currently held methaqualone in accordance with procedures outlined in 21 CFR 1307.21 on or before [October 26, 1984.]. All surrendered methaqualone must be listed on a DEA Form 41,

"Inventory of Controlled Substances Surrendered for Destruction." DEA Form 41 and instructions can be obtained from the nearest DEA office. In accordance with 21 CFR 1307.21(b)(3), pharmacy stocks of methaqualone may be disposed of by state pharmacy board inspectors.

3. *Security.* Methaqualone must be manufactured, distributed and stored in accordance with 21 CFR 1301.71–1301.76.

4. *Labeling and Packaging.* All labels and labeling for commercial containers of methaqualone, packaged after October 26, 1984, shall comply with the requirements of 21 CFR 1302.03–1302.05 and 1302.07–1302.08. In the event this effective date imposes special hardships on any "manufacturer", as defined in section 102(14) of the CSA (21 U.S.C. 802(14)), the Drug Enforcement Administration will entertain any justified requests for extensions of time submitted to it on or before the required date of compliance.

5. *Quotas.* All persons required to obtain quotas for methaqualone shall submit applications pursuant to 21 CFR 1303.12 and 1303.22.

6. *Inventory.* Every registrant required to keep records, who possesses any quantity of methaqualone, shall maintain an inventory, pursuant to 21 CFR 1304.11–1304.19, of all stocks of methaqualone. Every registrant who desires registration in Schedule I shall conduct of inventory of all stocks of methaqualone on or before [October 26, 1984.]

7. *Records.* All registrants required to keep records pursuant to 21 CFR 1304.21–1304.27 shall maintain such records on methaqualone commencing or or before [October 26, 1984.]

8. *Reports.* All registrants required to submit reports on methaqualone to the Drug Enforcement Administration pursuant to 21 CFR 1304.37–1304.41 shall report on the inventory taken under paragraph 6 above and or all subsequent transactions.

9. *Order Forms.* Each distribution of methaqualone shall utilize an order form pursuant to 21 CFR Part 1305.

10. *Importation and Exportation.* All importation and exportation of methaqualone shall be in compliance with 21 CFR Part 1312.

11. *Criminal Liability.* The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to methaqualone not authorized by, or in violation of, the CSA or the Controlled Substances Import and Export Act, shall continue to be unlawful.

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the placement of methaqualone into Schedule I of the CSA will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). This action involves the transfer to Schedule I of methaqualone which is no longer manufactured for marketing as a prescription drug. This action is mandated by law and is to be followed by withdrawal of approval of the new drug application for methaqualone.

In accordance with the provisions of 21 U.S.C. 812(d)(1), this scheduling action is a formal rulemaking that is required by Pub. L. 98–329. Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

List of Subjects in 21 CFR Part 1308

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

PART 1308—[AMENDED]

Therefore, under the authority vested in the Attorney General by § 201(d)(1) of the CSA (21 U.S.C. § 812(d)) and Pub. L. 98–329 and delegated to the Administrator of the Drug Enforcement Administration pursuant to 28 CFR § 0.100, the Administrator hereby orders that 21 CFR Part 1308 be amended:

§ 1308.12 [Amended]

1. By removing Methaqualone as item (2) of § 1308.12(e) and renumbering items (3) Pentobarbital, (4) Phencyclidine and (5) Secobarbital as items (2), (3) and (4), respectively, and;

2. By amending paragraph (e) of § 1308.11 to include methaqualone as item (2) to read as follows:

§ 1308.11 Schedule I

* * * * *

(e) * * *

(1) Mecloqualone	2572
(2) Methaqualone	2565

* * * * *

Dated: August 17, 1984.

Francis M. Mullen, Jr.,

Administrator, Drug Enforcement Administration.

[FR Doc. 84–22556 Filed 8–24–84; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 232 and 235

[Docket No. R–84–1194; FR–2035]

Mortgage Insurance; Changes in Interest Rates

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This change in the regulations decreases the maximum allowable interest rate on section 232 (Mortgage Insurance for Nursing Homes) and on section 235 (Homeownership for Lower Income Families) insured loans. This final rule is intended to bring the maximum permissible financing charges for these programs into line with competitive market rates and help assure an adequate supply of and demand for FHA financing.

EFFECTIVE DATE: August 13, 1984.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Chief Mortgage and Capital Market Analysis Branch, Office of Financial Management, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone (202) 755–7270. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The following amendments to 24 CFR Chapter II have been made to decrease the maximum interest rate which may be charged on loans insured by this Department under section 232 (fire safety equipment) and section 235 of the National Housing Act. The maximum interest rate on the HUD/FHA section 232 (fire safety equipment) and section 235 insurance programs has been lowered from 14.00 percent to 13.50 percent.

The Secretary has determined that this change is immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709–1.

As a matter of policy, the Department submits most of its rulemaking to public comment, either before or after effectiveness of the action. In this instance, however, the Secretary has determined that advance notice and public comment procedures are unnecessary and that good cause exists

for making this final rule effective immediately.

HUD regulations published at 47 FR 56266 (1982), amending 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in .50.20. Since the amendments made by this rule fall within the categorical exclusions set forth in paragraph (*l*) of .50.20, the preparation of an Environmental Impact Statement or Finding of No Significant Impact is not required for this rule.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local governmental agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule provides for a small decrease in the mortgage interest rate in programs of limited applicability, and thus of minimal effect on small entities.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 19, 1984 (49 FR 15902) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program numbers are 14.108, 14.117, and 14.120.

List of Subjects

24 CFR Part 235

Condominiums, Cooperatives, Low and moderate income housing, Mortgage insurance, Homeownership, Grant programs: housing and community development.

24 CFR Part 232

Fire prevention, Health facilities, Loan programs: Health, Loan programs: Housing and community development, Mortgage insurance, Nursing homes, Intermediate care facilities.

Accordingly, the Department amends 24 CFR Parts 232 and 235 as follows:

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

1. In § 232.560, paragraph (a) is revised to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 13.50 percent per annum, except that where an application for commitment was received by the Secretary before August 13, 1984, the loan may bear interest at the maximum rate in effect at the time of application.

* * * * *

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

2. In § 235.9, paragraph (a) is revised to read as follows:

§ 235.9 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.50 percent per annum, except that where an application for commitment was received by the Secretary before August 13, 1984, the loan may bear interest at the maximum rate in effect at the time of application.

* * * * *

3. In § 235.540, paragraph (a) is revised to read as follows:

§ 235.540 Maximum interest rate.

(a) On or after August 13, 1984, the loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 13.50 percent per annum, with the exception of applications submitted pursuant to feasibility letters, or outstanding conditional or firm commitments, issued prior to the effective date of the new rate. In these instances, applications will be processed at a rate not exceeding the applicable previous maximum rates, if the higher rate was previously agreed upon by the parties. Notwithstanding these exceptions, the application will be processed at the new lower rate if requested by the mortgagee.

* * * * *

Authority: Section 3(a), 82 Stat. 113; (12 U.S.C. 1709–1); Section 7 of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: August 10, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing FHA Commissioner, H.

[FR Doc. 84–22666 Filed 8–24–84; 8:45 am]

BILLING CODE 4210–27–M

Government National Mortgage Association

24 CFR Part 300

[Docket No. N–84–1436; FR–2018]

List of GNMA Attorneys-in-Fact

AGENCY: Government National Mortgage Association, HUD.

ACTION: Rule-related notice.

SUMMARY: This document updates the current list of persons appointed attorneys-in-fact by the Government National Mortgage Association (GNMA). Attorneys-in-fact are authorized to act for GNMA by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs. These appointments assist GNMA in carrying out its responsibilities under the National Housing Act.

EFFECTIVE DATE: August 27, 1984.

FOR FURTHER INFORMATION CONTACT: John Maxim, Associate General Counsel, Insured Housing and Finance, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755–6274. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Government National Mortgage Association (GNMA) periodically approves staff members of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Montage Corporation (Freddie Mac) to be delegated signatory authority to act in GNMA's behalf as attorneys-in-fact.

Until recently, lists of persons appointed to act have appeared in the Code of Federal Regulations (see 24 CFR 300.11 (c) and (d), 1983 edition). In related documents published on August 12, 1983 (see 48 FR 36572, 36573) GNMA announced that it was removing these lists from the CFR, changing the procedure of announcing appointments to a notice document, and publishing a complete list of persons currently appointed to act as attorneys-in-fact. The rule removing the lists from the CFR, as well as the complete list of

attorneys-in-fact, was effective on October 11, 1983. Additional changes to the list of persons appointed attorney-in-fact were published on December 29, 1983 (48 FR 57371) and on May 29, 1984 (49 FR 22278).

This notice today announces changes to the list of persons authorized to act as attorneys-in-fact. The changes include additions to and deletions from the Federal National Mortgage Association list. To enhance the usability of these notices, the Department has decided to republish the entire list of attorneys-in-fact each time changes are made.

Accordingly, the following lists represent all persons currently appointed as attorneys-in-fact delegated signatory authority to act in GNMA's behalf:

I. Staff members of the Federal National Mortgage Association, a government-sponsored private corporation, appointed attorneys-in-fact.

Name and Region

Leo E. Abueg, Los Angeles, CA
Robert E. Allen, Los Angeles, CA
Angelina P. Alleva, Philadelphia, PA
Ellen W. Allison, Atlanta, GA
Pan Andrus, Los Angeles, CA
Victoria L. Arrington, Chicago, IL
Glen T. Austin, Jr., Atlanta, GA
J.J. Bacchus, Atlanta, GA
Irene S. Baggio, Philadelphia, PA
Darlene Bagley, Atlanta, GA
J.C. Bellinger, Atlanta, GA
J.M. Benavides, Dallas, TX
Frances E. Bennett, Atlanta, GA
James H. Benson, Los Angeles, CA
E.N. Biggerstaff, Atlanta, GA
James R. Blakley, Los Angeles, CA
Norman T. Bolas, Los Angeles, CA
W.R. Bowen, Los Angeles, CA
W. James Bradley, Washington, DC
Joseph E. Brody, Chicago, IL
Craig J. Bromann, Chicago, IL
Rosemary M. Brown, Washington, DC
Burleigh O. Burshem, Washington, DC
Rena L. Busby, Los Angeles, CA
Donna M. Cabrera, Los Angeles, CA
Dennis J. Campbell, Philadelphia, PA
E.P. Carr, Atlanta, GA
Loretta Casey, Philadelphia, PA
James S. Cash, Atlanta, GA
Robert A. Chambers, Atlanta, GA
Heinrich F. Charles, Los Angeles, CA
Russell B. Clifton, Washington, DC
John M. Coan, Washington, DC
Vincent Colletti, II, Philadelphia, PA
Bettye Cook, Los Angeles, CA
Diane E. Cozad, Los Angeles, CA
Edward F. Czubernat, Chicago, IL
Nitin J. Dave, Atlanta, GA
John J. Deisher, Dallas, TX
John C. Diebel, Chicago, IL
James E. Domenico, Chicago, IL
Lawrence J. Dondero, Jr., Philadelphia, PA
Elizabeth A. Downing, Los Angeles, CA
Samuel A. Duca, Philadelphia, PA
J. Ellis Dykes, Atlanta, GA
Joseph R. Elred, Philadelphia, PA
Julieta England, Los Angeles, CA
David J. Evans, Atlanta, GA
R. Douglas Ezzell, Atlanta, GA
Leon Fine, Philadelphia, PA
Pamela K. Fite, Atlanta, GA
Carlton T. Foster, Jr., Atlanta, GA
Robert R. Foster, Philadelphia, PA
Jimmy L. Gallahar, Atlanta, GA
Hettye D. Gates, Atlanta, GA
Robert R. Glinski, Philadelphia, PA
James D. Grady, Jr., Philadelphia, PA
John J. Hagerty, Philadelphia, PA
Ann B. Hamilton, Philadelphia, PA
Mark S. Haney, Los Angeles, CA
Robert E. Haren, Chicago, IL
Charles W. Harvey, Jr., Philadelphia, PA
Ronald W. Harwig, Chicago, IL
John R. Hayes, Chicago, IL
B.J. Hendryk, Dallas, TX
C.W. Haptinstall, Los Angeles, CA
J.W. Hester, Jr., Atlanta, GA
JoAnne Holbert, Los Angeles, CA
R.R. Hoist, Los Angeles, CA
Frederick J. Horak, Dallas, TX
Violet L. Howser, Dallas, TX
George L. Huckabee, Dallas, TX
Carmen I. Huertas, Los Angeles, CA
Arnold L. Hufstetler, Atlanta, GA
Robert A. Hunter, Atlanta, GA
Louise E. Isabel, Chicago, IL
Stuart J. Jaffee, Philadelphia, PA
William S. Jones, Atlanta, GA
Ed G. Kendrick, Dallas, TX
Arthurine C. Kent, Los Angeles, CA
Carol King, Los Angeles, CA
Thomas L. Kinney, Washington, DC
John H. Kline, Jr., Philadelphia, PA
Michael S. Koch, Chicago, IL
John S. Kolich, Dallas, TX
Denise Lee, Philadelphia, PA
Alfredo S. Loyola, Chicago, IL
Robert J. Mahn, Washington, DC
Noel J. Mangan, Chicago, IL
P. Jack Maniscalco, Dallas, TX
Allen P. Miller, Los Angeles, CA
Doris A. Morrow, Chicago, IL
Frederich W. Mowatt, Washington, DC
Charleen N. Munson, Philadelphia, PA
Randolph C. Nail, Jr., Chicago, IL
Harbir S. Narang, Los Angeles, CA
Vincent H. Nelson, Atlanta, GA
Philip R. Nichols, Jr., Philadelphia, PA
James W. Noack, Los Angeles, CA
B.J. Odom, Atlanta, GA
Zach Oppenheimer, Philadelphia, PA
Joyce A. Palgutta, Chicago, IL
Leslie A. Parsons, Los Angeles, CA
Dale L. Pea, Dallas, TX
Norman H. Peterson, Los Angeles, CA
Kathryn M. Phillips, Atlanta, GA
Robert G. Pike, Atlanta, GA
M. Kay Pollak, Los Angeles, CA
Douglass M. Porter, Washington, DC
Norman M. Reid, Los Angeles, CA
Max D Robinson, Dallas, TX
A.E. Rodenberger, Los Angeles, CA
Samuel D. Russell, Dallas, TX
Tim J. Ryan, Chicago, IL
E.L. Schreiber, Dallas, TX
Frank L. Scrivano, Dallas, TX
R.L. Shanteau, Atlanta, GA
Patricia L. Shaw, Chicago, IL
Mary Simpson, Dallas, TX
M. Faith Smith, Philadelphia, PA
Samuel M. Smith, III, Atlanta, GA
Susan T. Smith, Dallas, TX
Roger Stewart, Washington, DC
Robert F. Sumbry, Atlanta, GA
T.J. Swanson, Jr., Atlanta, GA
Morton C. Swichkow, Dallas, TX
Robert N. Tanabe, Los Angeles, CA
Geri C. Thomas, Los Angeles, CA
Jimmie L. Thomas, Dallas, TX
Carmeleta Turner, Dallas, TX
Ruth C. Turner, Los Angeles, CA
J.H. Van House, Atlanta, GA
Mary E. Voight, Los Angeles, CA
Ester O. Walder, Philadelphia, PA
Erlinda C. Weaver, Los Angeles, CA
Nancy L. Webster, Chicago, IL
Edward W. Wendell, Chicago, IL
James H. Whitehead, Atlanta, GA
John Wilson, Philadelphia, PA
W.E. Yeager, Atlanta, GA
Dick A. Yockey, Los Angeles, CA

II. Staff members of the Federal Home Loan Mortgage Corporation, created under the laws of the United States, appointed attorneys-in-fact.

Name and Region

William T. Bings, Washington, DC
Philip R. Brinkerhoff, Washington, DC
Jerry Brooks, Atlanta, GA
Michael Coffey, Dallas, TX
Douglas R. Cottrell, Atlanta, GA
Kenneth Coulter, Los Angeles, CA
George E. Delgado, Arlington, VA
James L. Garrison, Arlington, VA
C. Gordon Gray, Chicago, IL
Ken Halterman, Dallas, TX
Philip N. Harrington, Washington, DC
Carl Hillis, Dallas, TX
John Horseman, Sr., Washington, DC
Victor H. Indiek, Washington, DC
David S. Latimore, Atlanta, GA
Leon L. Linkroum, Los Angeles, CA
John E. Lott, Chicago, IL
Peter R. McNulty, Arlington, VA
J. Michael Materie, Atlanta, GA
Walter P. Moenning, Jr., Chicago, IL
Ronald Morck, Atlanta, GA
Randall M. Nay, Dallas, TX
Jerry C. Nelson, Dallas, TX
Robert K. Ostengaard, Los Angeles, CA
Paul Quinn, Denver, CO
F. Michael Salb, Arlington, VA
Kenneth J. Sandin, Atlanta, GA
Fred Schwartz, Chicago, IL
Stu Strand, Los Angeles, CA
Ronald D. Struck, Washington, DC
Melvin L. Taylor, Seattle, WA
William R. Thomas, Jr., Dallas, TX

Glenn Vaupel, Los Angeles, CA
William J. Verant, Los Angeles, CA
Edward Voss, Chicago, IL
Clifford A. Walters, Chicago, IL

Dated: August 20, 1984.

Warren A. Lasko,

Executive Vice President.

[FR Doc. 84-22667 Filed 8-24-84; 8:45 am]

BILLING CODE 4210-32-M

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 1710

[Docket No. N-84-1286; FR 1732]

Guidelines for Exemptions Available Under the Interstate Land Sales Full Disclosure Act

Correction

FR Doc. 84-20696 was published on page 31375 in the issue of Monday, August 6, 1984. It was published in the Notices section of the **Federal Register**. It should have appeared in the Rules and Regulations section.

In FR Doc. 84-20696 make the following corrections:

1. On page 31379, in the second column, in paragraph (4), in the fourth line, "own or" should read "own use or"; and in the third column, in the fifth paragraph, in the third line, "qualified" should read "qualifies".

2. On page 31380, in the third column, in the first complete paragraph, in the second line, "records" should read "record".

3. On page 31381, in the first column, in the third line, "Jnue" should read "June".

4. On page 31382, in the first column, in paragraph (f)(3)(i), in the third line, "extened" should read "extended"; and in the second column, in paragraph (g)(3)(i), in the 11th line from the bottom, "ivolved" should read "involved".

5. On page 31385, in the second column, in the third line, "saves" should read "sales"; and in the third column, in the seventh line from the bottom, "was" should read "way".

6. On page 31386, in the first column, in the fourth complete paragraph, in the third line, "mroe" should read "more" and in the fourth line, "utiliteis" should read "utilities"; in the fifth complete paragraph, in the third line, "liens" should read "lines"; in the sixth complete paragraph, in the third line, "nd" should read "and"; and in the third column, in paragraph (8), in the sixth line, "containting" should read "containing".

7. On page 31387, in the first column, in paragraph (13), in the first line, "obtrain" should read "obtain".

8. On page 31388, in the first column, in the first line, "Hud's" should read "HUD's" and "Letter" should read "Letters".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 3

[CGD 84-056]

Seattle Marine Inspection Zone and Captain of the Port Zone Name Change

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule changes the name of the Seattle Marine Inspection Zone and Captain of the Port Zone to the Puget Sound Marine Inspection Zone and Captain of the Port Zone. The Coast Guard has changed the name of the Marine Safety Office Seattle WA to the Marine Safety Office Puget Sound WA to more accurately reflect the area of responsibility and authority of that office, and is renaming the zones to correspond.

EFFECTIVE DATE: August 27, 1984.

FOR FURTHER INFORMATION CONTACT: Lieutenant Michael V. Franchini, Project Manager, Office of Marine Environment and Systems (G-WPE-3), (202) 426-9578.

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A), and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the **Federal Register** under 5 U.S.C. 553(d)(3).

Executive Order 12291 does not apply to matters of agency organization (section 1(a)(3)). These amendments are editorial in nature and are considered to be nonsignificant under DOT Order 2100.5 of May 22, 1980. No additional requirements will be imposed on the public as a result of this rulemaking. This rule simply renames an existing area of Coast Guard responsibility and jurisdiction.

Drafting Information

The principal persons involved in drafting this amendment are: Lieutenant Michael V. Franchini, Project Manager, Office of Marine Environment and Systems, and Lieutenant Sandra R. Sylvester, Project Counsel, Office of the Chief Counsel.

Economic Assessment and Certification

The economic impact of this rule has been found to be so minimal that further evaluation is unnecessary. Existing requirements and responsibilities are not altered. The only effect is a change of name. Since the impact of this rule is so minimal, the agency certifies that this final rule will not have significant economic impact on a substantial number of small entities.

The Coast Guard has determined that this rule does not constitute a major Federal action significantly affecting the quality of human environment, and therefore no environment assessment or environmental impact statement was prepared.

List of Subjects in 33 CFR Part 3

Marine safety, Organization and functions (government agencies).

PART 3—[AMENDED]

In consideration of the foregoing, Subchapter A, Chapter I, Title 33 of the Code of Federal Regulations is amended by revising § 3.65-10 to read as follows:

§ 3.65-10 Puget Sound Marine Inspection Zone and Captain of the Port Zone.

(a) The Puget Sound Marine Inspection Office and the Puget Sound Captain of the Port Office are located in Seattle, Washington.

(b) The boundary of the Puget Sound Marine Inspection Zone, and of the Puget Sound Captain of the Port Zone, starts at a point 48°29'35" N. latitude, 124°43'45" W. longitude and follows the international boundary eastward to the Montana-North Dakota boundary; thence southerly along this boundary to the Wyming State line; thence westerly and southerly along the Montana-Wyoming boundary to the Idaho State line. Thence north-westerly along the Montana-Idaho boundary to 46°55' N. latitude thence westerly to a point 46°55' N. latitude, 123°18' W. longitude; thence northerly to a point 47°32' N. latitude, 123°18' W. longitude; thence westerly along the 47°32' N. latitude to the sea.

(5 U.S.C. 552; 49 U.S.C. 108; 49 CFR 1.45 and 1.46)

Dated: August 21, 1984.

J.W. Kime,

Commodore, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 84-22676 Filed 8-24-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 89

[CGD 83-028]

Inland Navigation Rules: Implementing Rules

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This regulation specifies certain waters upon which Rules 9(a)(ii), 15(b), and 24(i) of the Inland Navigational Rules Act of 1980 apply. In early 1985, the Western Rivers, as defined by Inland Rule 3, will be connected to the Tennessee-Tombigbee Waterway and several other rivers. This regulation will enhance navigation safety by extending the Western Rivers provisions of the Inland Rules to these connecting waters.

DATE: The effective date of this regulation is September 26, 1984.

FOR FURTHER INFORMATION CONTACT: CDR Galen R. Siddall, Marine Information and Rules Branch, Office of Navigation, (202) 426-9566.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the **Federal Register** on December 8, 1983, (48 FR 54997), and interested parties were given until March 7, 1984, to comment. After reevaluation of the proposal, a Supplemental Notice of Proposed Rulemaking was published in the **Federal Register** on May 3, 1984, (49 FR 18870), and interested persons were given until June 18, 1984, to comment.

Drafting Information

The principal persons involved in drafting this rulemaking are CDR Galen R. Siddall, Project Manager, Office of Navigation, and Lieutenant Dave Shippert, Project Attorney, Office of the Chief Counsel.

Discussion of Proposed Regulations

The Inland Navigational Rules Act of 1980 (33 U.S.C. 2001-2073) established navigation rules that apply to all vessels operating on the inland waters of the United States and on the Great Lakes to the extent that there is no conflict with Canadian law. Inland Rules 9(a)(ii) and 15(b) are unique because they apply only to the Great Lakes, Western Rivers, or waters specified by the Secretary of the department in which the Coast Guard is operating. Rule 24(i) is also unique because it applies only to the Western Rivers or waters specified by the Secretary. These three Rules constitute the special provisions for navigation on the Western Rivers. The term "Western Rivers" is defined by Rule 3(l) as essentially the Mississippi River and its tributaries. The Secretary has delegated the authority to implement the Inland Rules to the Commandant of the Coast Guard.

The Tennessee-Tombigbee Waterway will be connected to the Tennessee River in early 1985. The Tennessee River is a tributary of the Mississippi River. Therefore, it is defined as a Western River subject to the special provisions in Rules 9(a)(ii), 15(b), and 24(i). The Tennessee-Tombigbee Waterway, however, does not fit the Western Rivers definition. Unless the special Western Rivers provisions are extended to the Tennessee-Tombigbee Waterway, navigators will be required to operate under different sets of rules.

When the Tennessee-Tombigbee Waterway is connected to the Tennessee River, vessels will be able to navigate from the Ohio River to Mobile, Alabama, without travelling on the Mississippi River. The type of vessel traffic which will use this route will be similiar to the type of traffic which now transits the Western Rivers. Also, much of this new route will resemble the Western Rivers in physical characteristics. It would be confusing and impractical for a vessel navigating on the Western Rivers to have to change its lighting and philosophy of operation when utilizing this new route.

A vessel travelling to Mobile, Alabama, from the Ohio River using the new route will transit the Tennessee River, the Tennessee-Tombigbee Waterway, the Tombigbee River, and the Mobile River. The Black Warrior River joins the Mobile River and the Coosa and Alabama Rivers empty into the Mobile River. It would be similarly confusing and impractical to apply different navigation rules in these connecting rivers.

The Rules of the Road Advisory Council, at the December 7, 1982, meeting, recommended that the Coast Guard initiate rulemaking to extend applicability of Rules 9(a)(ii), 15(b), and 24(i) to the above-mentioned waters. The Council also recommended that the Apalachicola, Flint, and Chattahoochee Rivers receive a similar designation. These waters are similar to the Western Rivers in many respects. The uniform application of the Western Rivers provisions on these similar bodies of water would enhance navigation safety.

Two comments were received in response to the initial Notice of Proposed Rulemaking, both of which supported it. Also, both the Coast Guard's Rules of the Road Advisory Council and the Towing Safety Advisory Committee support this rulemaking. After reevaluation of the proposed rule, the Coast Guard determined that the area of applicability on the Apalachicola River should be changed. The original proposal included the Apalachicola River as far south as the John Gorrie Memorial Bridge. The portion of the Apalachicola River from its confluence with the Jackson River to the John Gorrie Memorial Bridge is part of the Intracoastal Waterway upon which the Inland Rules now apply. Also, the Apalachicola River above its confluence with the Jackson River is marked under the Western Rivers aids to navigation marking system. To insure consistency of Navigation Rules on the Intracoastal Waterway, the area of applicability of the Western Rivers provisions of the Inland Rules on the Apalachicola River was changed to be above the river's confluence with the Jackson River, leaving current Navigation Rules intact on the Intracoastal Waterway. The Supplemental Notice of proposed Rulemaking was issued to advertise this change to the original proposed regulation. One comment was received and it was favorable.

This regulation requires that mariners comply with Inland Navigation Rules 9(a)(ii), 15(b), and 24(i) on the waters designated. Designated waters are the Tennessee-Tombigbee Waterway, the Tombigbee River, the Black Warrior River, the Alabama River, the Coosa River, the Mobile River above the Cochrane Bridge at St. Louis Point, the Flint River, the Chattahoochee River, and the Apalachicola River above its confluence with the Jackson River.

Inland Rule 9(a)(ii) gives the right-of-way over an upbound vessel to a power-driven vessel proceeding downbound with a following current operating in a narrow channel or fairway on the Western Rivers, Great Lakes, or waters specified by the Secretary. Rule 15(b) states that a vessel crossing a river on the Great Lakes, Western Rivers, or waters designated by the Secretary, must keep out of the way of a power-driven vessel ascending or descending the river. Rule 24(i) states that a power-driven vessel on the Western Rivers or waters specified by the Secretary, when pushing ahead or towing alongside, except in the case of a composite unit, must exhibit sidelights and two towing lights in a vertical line.

This document restructures Part 89. A new Subpart A will contain the existing alternative compliance procedures and a new Subpart B will designate those waters on which Rules 9(a)(ii), 15(b), and 24(i) apply.

Regulatory Evaluation

This final rule is considered to be non-major under Executive Order 12291 and

non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. This regulation changes operating procedures and has no economic impact upon the users. Since the impact of this final rule is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 89

Navigation (water), Waterways.

PART 89—[AMENDED]

For the reasons stated above, the Coast Guard amends Part 89 of Title 33, Code of Federal Regulations to read as follows:

1. Revise the Table of Contents to Part 89, *Inland Navigation Rules: Implementing Rules, to read as follows:*

Subpart A—Certificate of Alternative Compliance

Sec.
89.1 Definitions.
89.3 General.
89.5 Application for a Certificate of Alternative Compliance.
89.9 Certificate of Alternative Compliance: Contents.
89.17 Certificate of Alternative Compliance: Termination.
89.18 Record of certification of vessels of special construction or purpose.

Subpart B—Waters Upon Which Certain Inland Navigation Rules Apply

89.21 Purpose.
89.23 Definitions.
89.25 Waters upon which Inland Rules 9(a)(ii), 15(b), and 24(i) apply.

Authority: Sec. 3, Pub. L. 96–591, 33 U.S.C. 2071; 49 CFR 1.46(n)(14).

2. Add a new Subpart A heading immediately preceding § 89.1 to read as follows:

Subpart A—Certificate of Alternative Compliance

§ 89.1 [Amended]

3. In the first sentence of § 89.1, change the word "part" to the word "Subpart."

4. Add a new Subpart B following § 89.18 to read as follows:

Subpart B—Waters Upon Which Certain Inland Navigation Rules Apply

§ 89.21 Purpose.

Inland Navigation Rules 9(a)(ii), 15(b), and 24(i) apply to the "Western Rivers," as defined in Rule 3(1), and to additional specifically designated waters. The purpose of this Subpart is to specify those additional waters upon which Inland Navigation Rules 9(a)(ii), 15(b), and 24(i) apply.

§ 89.23 Definitions.

As used in this subpart:

"Inland Rules" refers to the Inland Navigation Rules contained in the Inland Navigational Rules Act of 1980 (Pub. L. 96–591, 33 U.S.C. 2001 et. seq.) and the technical annexes established under that act.

§ 89.25 Waters upon which Inland Rules 9(a)(ii), 15(b), and 24(i) apply.

Inland Rules 9(a)(ii), 15(b), and 24(i) apply on the Western Rivers and the following waters:

(a) Tennessee-Tombigbee Waterway;
(b) Tombigbee River;
(c) Black Warrior River;
(d) Alabama River;
(e) Coosa River;
(f) Mobile River above the Cochrane Bridge at St. Louis Point;
(g) Flint River;
(h) Chattahoochee River; and
(i) The Apalachicola River above its confluence with the Jackson River.

Dated: August 22, 1984.

T.J. Wojnar,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 84–22879 Filed 8–24–84; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD11 84–69]

Marine Event: NS&WSA Region II Points Race

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the NS&WSA Region II Points Race. This event will be held on 1 thru 3 September 1984 at South San Diego Bay. The regulations are needed to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 1 September 1984 and terminate on 3 September 1984.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Eleventh Coast Guard District Boating Affairs Office, 400 Oceangate, Long Beach, California 90822, (213) 590–2331.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rule making procedures would have been impracticable. The application to hold this event was not received until 8 August 1984, and there was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Nevertheless, interested persons wishing to comment may do so by submitting written views, data, or arguments. Commenters should include their name and address, identify this notice (CGD11 84–69) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The regulations may change in light of comments received.

Drafting Information

The drafters of this regulation are LTJG Jorge Arroyo, Project Officer, Boating Affairs Office, Eleventh Coast Guard District, Project Officer, and LT Joseph R. McFaul, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Proposed Regulation

Orange County Boat & Ski Club "NS&WSA REGION II POINTS RACE" will be conducted beginning 1 September 1984, on South San Diego Bay, Chula Vista off "J" street launch ramp. This event will have 200 inboard high speed ski boats 16 to 21 feet in length which could pose a hazard to navigation. Therefore, vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Regulations

In consideration of the foregoing Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35 11–84–69 to read as follows:

§ 100.35 11–84–69 NS&WSA Region II Race, South San Diego Bay, California

(a) Regulated Area: The following area may be closed intermittently to all vessel traffic. That portion of South San Diego Bay, Chula Vista off "J" street launch ramp.

(b) Effective Dates: These regulations will be effective from 7:00 a.m. to 7:00 p.m. on 1 thru 3 September 1984.

(c) Special Local Regulations: All persons and/or vessels not registered with the sponsor as participants or official regatta patrol vessels are considered spectators. The "official regatta patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol this event.

(1) No spectators shall block, anchor, loiter in, or impede the through transit of participants or official regatta patrol vessels in the regulated area during the effective dates, unless cleared for such entry by or through an official regatta patrol vessel.

(2) When hailed and/or signaled by horn or whistle by an official regatta patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions of the designated Patrol Commander. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b); 33 CFR 100.35)

Dated: August 20, 1984

F.P. Schubert,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 84-22677 Filed 8-24-84; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

Padded Envelopes for Registered Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: In the Postal Bulletin of May 3, 1984, the Postal Service announced a test permitting the use of padded envelopes for registered mail through June 30, 1985. The Postal Service has now determined that its permanent regulation prohibiting the use of padded envelopes in the registered mail service is unnecessary. Accordingly, the Postal Service has found it in the public interest to adopt an amendment to the Domestic Mail Manual (DMM) which allows the use of padded envelopes to send registered mail, and establishes specifications for padded envelopes which may be used for that purpose following the expiration of the test period on July 1, 1985. Manufacturers of padded envelopes who wish to market them for use in sending registered mail will be required to submit the envelopes for testing before they will be allowed in the registered mail system. Once an envelope has been approved, it will be authorized to carry an endorsement that it has been approved for use in the registered mail system by the United States Postal Service. Only approved envelopes will be accepted as registered mail. The Postal Service intends to procure quantities of approved envelopes for sale at post offices. This new rule does not supersede the existing requirements in DMM 911.33–911.34 that fragile items must be suitably packed to withstand normal handling and that all articles must be packed in accordance with DMM 120.

EFFECTIVE DATES: The DMM amendments are effective August 27, 1984. Padded envelopes meeting current postal requirements for the test period as announced in Postal Bulletin 21456 (5–3–84) will be accepted for registered mail through June 30, 1985 (subject to the indemnity limits prescribed for that test), after which only those bearing the approved endorsement under the new testing procedure will be accepted for registered mail.

FOR FURTHER INFORMATION CONTACT: Richard S. Shaver, (202) 245–4530.

SUPPLEMENTARY INFORMATION: Effective immediately, the Postal Service will permit the use of approved padded envelopes in the registered mail system. By July 1, 1985, these envelopes must meet the requirements specified in specification number USPS–E–1020 (ESC), before they will be accepted for registered mail. Manufacturers wishing a copy of these specifications may request them from the Office of Mail Classification at the address provided in DMM 911.322 as set forth below.

A manufacturer wishing to obtain Postal Service approval will be required to submit its proposed envelope to the Office of Mail Classification for testing at the manufacturer's expense. Upon the completion of the testing, the manufacturer will be advised of the results of the tests. If an envelope meets the requirements, it will be authorized to carry an approval statement from the Postal Service and can be used in the registered mail system. Postal customers will be able to purchase the approved envelopes through commercial sources and at selected post offices. A post office which identifies a demand for this product should contact its procurement office.

The current test of padded envelopes announced in Postal Bulletin 21456 (5–3–84) is still in effect and will expire July 1, 1985. Beginning with that date, only padded envelopes bearing the approval endorsement will be acceptable in the registered mail system, although all others will continue to be accepted as ordinary mail.

The Postal Service finds that the immediate adoption of the necessary amendments to the Domestic Mail Manual is in the public interest because it will improve the flexibility and convenience of mail services offered to the public, will remove a restriction on the public's use of a particular secure and useful type of postal service, and will allow manufacturers to prepare to meet the specifications and testing requirements in time to have their products on the market before next July 1. Accordingly, to avoid delays contrary to the public interest, the Postal Service hereby adopts, effective immediately, the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (39 CFR 111.1).

List of Subjects in 39 CFR Part 111.

Postal Service.

PART 111—[AMENDED]

911—Registered Mail

In Part 911.3, revise .31 and .32 to read as follows:

911.3 Preparation for Mailing

.31 Conditions and Sealing

.311 Conditions. Postal employees are not permitted to assist in the preparation or sealing of mail to be registered. The mail must bear the complete names and addresses of both sender and addressee. Envelopes or packages that appear to have been opened and resealed, or which are otherwise improperly prepared, will not be registered.

.312 Sealing. The sender must securely seal envelopes. Paper or cellulose strips or wax or paper seals must not be placed over the intersections of flaps of letter size envelopes where the postmark impressions are made. Packages must be sealed with mucilage or glue or with plain paper or cloth tape. Packages containing currency or securities may not be sealed exclusively by use of paper strips, but must first be sealed securely with mucilage or glue. Large envelopes (flaps) which are completely sealed and which also have paper strips or paper tape across the intersections of the flaps may be considered packages so far as the sealing requirements are concerned. Tape that will not adhere in such a manner as to damage the envelope or wrapper if removed, or tape which will not absorb a postmark impression, may not be used on registered mail

.32 Padded Envelopes

.321 Types and sizes

a. Four approved standard sizes and three types of padded envelopes are approved for use in the registered mail system:

Type I—Styrofoam Pellets
Type II—Closed Cell Foam
Type III—Blister Bubbles

ALL TYPES

[Inches (approximate weight)]

	Height	Length	Not exceeding (ounces)
No. 0	6	10	.70
No. 4	9½	14½	1.50
No. 5	10½	16	1.80
No. 7	14½	20	2.90

b. Any other sizes between the minimum (number 0) and maximum (number 7) may be submitted for approval at the discretion of the Postal Service provided that the aspect ratio (length divided by height) is between 1 to 1.3 and 1 to 2.5 inclusive.

.322 Specifications and Drawings

Construction standards and drawings for guidance in the manufacture of registered mail padded envelopes are contained in Postal Service specification number USPS–E–1020 (ESC). Copies of the specifications may be obtained by writing to the Special Services Division, Office of Mail Classification, Rates and Classification Department, USPS Headquarters, Washington, DC 20260–5371.

.323 Approval

To secure approval of registered mail padded envelopes, submit to the Office of Mail Classification:

a. Not less than six complete envelopes of each style made of exact materials, construction, etc., to be identical in every way with the envelopes intended to be marketed.

b. The identification of all parts of the envelope by material and physical properties.

c. The complete composition, formula, and trade name of all materials.

Note.—Written notification of approval or disapproval, including reasons for disapproval, will be issued. All envelopes submitted will be returned, including those damaged during testing, unless the Postal Service is authorized, in writing, to retain them.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 403, 404(a))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84–22620 Filed 8–24–84; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 3E2895/4E2973/R683; FRL–2639–4]

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

Correction

In FR Doc. 84–19876 beginning on page 30701 in the issue of Wednesday, August 1, 1984, make the following correction.

On page 30702, first column § 180.356(a), in the table, the third entry for "Parts per million" should read "0.1".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 1, 2, 9, 11, 12, 62, 64, 68, 71, and 77

Technical Corrections to Federal Emergency Management Regulations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This document makes technical corrections to sundry FEMA regulations. These corrections correct errors or inaccuracies in the present regulations.

EFFECTIVE DATE: August 27, 1984.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of General Counsel, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, Telephone (202) 289–0377.

SUPPLEMENTARY INFORMATION: The regulation makes technical corrections to FEMA regulations and is not substantive in nature. It is routine. Therefore, it is not subject to any of the requirements of 5 U.S.C. 553, Executive Order 12291, the Regulatory Flexibility Act, 44 CFR Part 10 relating to environmental matters, or the Paperwork Reduction Act.

List of Subjects

44 CFR Part 1

Administrative practice and procedure.

44 CFR Part 2

Authority delegations (government agencies), Organization and functions (government agencies).

44 CFR Part 9

Floodplains, Wetland, Coastal zone.

44 CFR Part 11

Administrative practice and procedure, Claims.

44 CFR Part 12

Advisory committees.

44 CFR Part 62

Flood insurance, Claims.

44 CFR Part 64

Flood insurance, Floodplains.

44 CFR Part 68

Administrative practice and procedure, Floodplains.

44 CFR Part 71

Flood insurance, Coastal zone.

44 CFR Part 77

Flood insurance, Floodplain grant programs, Environmental protection.

Accordingly, Chapter 1 of Title 44, Code of Federal Regulations, is amended as follows:

PART 1—RULEMAKING; POLICY AND PROCEDURES

§ 1.1 [Amended]

1. The second sentence of § 1.1(a) is amended by removing the words "Administrative Procedures Act" and adding "Administrative Procedure Act" in place thereof.

2. Section 1.1(d) is amended by removing the words "will be prepared" and adding the words "has been issued" in place thereof.

3. Section 1.1(e) is amended by removing the word "proposed."

§ 1.7 [Amended]

4. Section 1.7 is amended by revising paragraph (a) to read:

* * * * *

(a) The FEMA semi-annual agenda called for by Executive Order 12291 will be part of the Unified Agenda of Federal Regulations published in April and October of each year.

* * * * *

§ 1.11 [Amended]

5. Section 1.11(c) is amended by removing the word "or" and adding the word "on" in place thereof.

§ 1.12 [Amended]

6. Section 1.12(f)(3) is amended by removing the word "or" and adding the word "on" in place thereof.

PART 2—ORGANIZATION FUNCTIONS AND DELEGATIONS OF AUTHORITY

§ 2.66 [Amended]

7. The introductory paragraph to § 2.66 is amended by removing "of Training and Education" and adding "for Training and Fire Programs" in place thereof.

§ 2.70 [Amended]

8. Section 2.70(a)(5) is amended by removing the words "Executive Order 12065 of June 28, 1978, as amended" and adding the words "Executive Order 12356" in its place.

9. Section 2.70(a)(6) is amended by removing the figure "2.65" and adding the figure "2.66" in its place.

PART 9—FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS

§ 9.7 [Amended]

10. Section 9.7(c)(1)(ii) is amended by removing under the heading "Sources of Maps and Technical Information" the following: "FEMA Regional Offices/ Division of Insurance and Hazard Mitigation" and added "FEMA Regional Offices/Natural and Technological Hazards Division" in place thereof.

§ 9.11 [Amended]

11. Section 9.11(e)(1) is amended by removing "Office of State and Local Programs of FEMA" and adding "the Federal Insurance Administration" in its place.

§ 9.181 [Amended]

12. Section 9.18(b)(1) is amended by removing the words "Associate Director for Disaster Response and Recovery" and adding in place thereof "Associate Director for State and Local Programs and Support."

PART 11—CLAIMS

§ 11.11 [Amended]

13. Section 11.11(c) is amended by removing the subparagraph number "(1)" and by removing "Appendix A to Part 5 of the Chapter" and adding "Part 2 of this Chapter" in place thereof.

PART 12—ADVISORY COMMITTEES

§ 12.5 [Amended]

14. Section 12.5 is amended by removing "Resource Management and Administration Directorate."

PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

§ 62.22 [Amended]

15. Section 62.22(a) is amended by removing the words "Director, Federal Emergency Management Agency" and adding the words "Federal Insurance Administrator" in place thereof.

16. Section 62.22(b) is amended by removing the word "Director" where it appears twice and adding the word "Federal Insurance Administrator" in its place.

PART 64—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

§ 64.1 [Amended]

17. Section 64.1(a) is amended by removing the words "(herein the Associate Director)".

PART 67—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

§ 67.12 [Amended]

18. Section 67.12(b) is amended by removing the words "Associate Director" and adding the word "Administrator" in place thereof.

PART 68—ADMINISTRATIVE HEARING PROCEDURES

§ 68.1 [Amended]

19. Section 68.1 is amended by removing the words "Associate Director's" and adding "Administrator's" in place thereof.

§ 68.2 [Amended]

20. Section 68.2 is amended by removing the second sentence.

§ 68.3 [Amended]

21. Section 68.3 is amended by removing the words "Associate Director's" and adding "Administrator's" in place thereof.

22. Section 68.3 is amended by removing the words "Associate Director" where they appear therein, and adding the word "Administrator" in place thereof.

§ 68.5 [Amended]

23. Section 68.5 is amended by removing the words "Associate Director" and adding the word "Administrator" in place thereof.

§ 68.6 [Amended]

24. Section 68.6(a) is amended by removing the words "Associate Director" and adding the word "Administrator" in its place.

§ 68.7 [Amended]

25. Section 68.7 is amended by removing the words "Associate Director" and adding the word "Administrator" in place thereof in paragraphs (b) and (c).

§ 68.8 [Amended]

26. Section 68.8 is amended by removing the words "Associate Director" and adding the word "Administrator" in place thereof.

PART 71—IMPLEMENTATION OF THE COASTAL BARRIER RESOURCES ACT

§ 71.2 [Amended]

27. Section 71.2(b) is amended by removing the word "means" and adding the word "meets" in place thereof.

§ 71.3 [Amended]

28. Section 71.3 is amended by adding "a" before the word "structure".

PART 77—ACQUISITION OF FLOOD DAMAGED STRUCTURES

§ 77.2 [Amended]

29. Section 77.2 is amended by revising paragraph (d)(3) to read:

* * * * *

(d) * * *

(3) The rights to enforce the restrictive covenants shall be assigned to the Administrator as assignee, together with a declaration that any future violation of the restrictive covenants or agreements, delivered in writing to the Chief Executive Officer within thirty (30) days from the date the Administrator receives actual notice of the violation, shall be deemed at the Administrator's option to cause a reversion of title to FEMA.

* * * * *

Dated: August 21, 1984.

George W. Jett,

General Counsel.

[FR Doc. 84-22640 Filed 8-24-84; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 64

[Docket No. FEMA 6617]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 287–0222, 500 C Street, Southwest, FEMA—Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
REGION II					
New Jersey, Sussex	Oqdensburg, borough of	340454B	July 16, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	May 17, 1974 and Oct. 31, 1974	Sept. 5, 1984.
New York:					
Dutchess	Beekman, town of	361333C	Feb. 5, 1976, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Oct. 18, 1974, Aug. 13, 1976 and Apr. 15, 1977.	Do.
Columbia	Clermont, town of	361315B	Nov. 13, 1975, Emerg. Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Nov. 8, 1974 and June 4, 1976	Do.
Monroe	Fairport, village of	360415B	Jan. 30, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	May 31, 1974 and Aug. 20, 1976	Do.
Rensselaer	Nassau, town of	361155A	May 16, 1977, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Nov. 22, 1974	Do.
Dutchess	Northeast, town of	361340B	Aug. 8, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Oct. 18, 1974 and Jan. 9, 1976	Do.
REGION III					
Maryland, Harford	Havre de Grace, city of	240043C	Feb. 26, 1975, Emerg., Mar. 15, 1977, Reg., Sept. 5, 1984, Susp.	July 26, 1974, Jan. 16, 1976, and Mar. 15, 1977.	Do.
REGION IV					
Florida:					
Gilchrist and Levy	Fanning Springs, town of	120146B	Aug. 22, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Nov. 29, 1974 and June 27, 1980	Do.
Lake	Fruitland Park, city of	120387B	July 17, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Jan. 14, 1977	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Kentucky, Floyd	Unincorporated areas	210069B	Mar. 11, 1976, Emerg. Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Dec. 13, 1974 and June 17, 1977	Do.
South Carolina, Beaufort	Beaufort, city of	450026C	Nov. 27, 1970, Emerg., May 2, 1977, Reg., Sept. 5, 1984, Susp.	June 28, 1974, Sept. 5, 1975 and May 2, 1977.	Do.
Tennessee:					
Anderson	Unincorporated areas	470217B	Aug. 5, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	June 17, 1977	Do.
Unico	Erwin, city of	470094B	Apr. 20, 1978, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	July 2, 1976, and Dec. 17, 1976	Do.
Roane	Harriman, city of	475427B	Sept. 16, 1970, Emerg., Feb. 26, 1971, Reg., Sept. 5, 1984, Susp.	Feb. 26, 1971, July 1, 1974, and Sept. 3, 1976.	Do.
Campbell	LaFollette, city of	475435B	Apr. 2, 1971, Emerg., Dec. 17, 1981, Reg., Sept. 5, 1984, Susp.	Dec. 23, 1971, July 1, 1974, and Nov. 12, 1976.	Do.
REGION V					
Illinois, Pike	Pearl, village of	170556C	Sept. 1, 1976, Emerg., Sept. 16, 1984, Reg., Sept. 5, 1984, Susp.	Dec. 28, 1973, Mar. 26, 1976, and Sept. 16, 1981.	Do.
REGION VIII					
Montana, Flathead	Unincorporated areas	300023C	Jan. 31, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	Sept. 13, 1974, Mar. 19, 1976, and June 28, 1977.	Do.
REGION IX					
California:					
San Diego	Oceanside, city of	060294B	June 30, 1975, Emerg. Sept. 5, 1984, Reg., Sept. 5, 1984, Susp.	May 10, 1974 and Oct. 27, 1976	Do.
San Bernardino	Rancho Cucamonga, city of	060671A	Aug. 7, 1978, Emerg., Sept 5, 1984, Reg., Sept. 5, 1984, Susp.		Sept. 5, 1985.

[1] Date certain Federal assistance no longer available in special flood hazard areas.
Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration)

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-22644 Filed 8-24-84; 8:45 am]
BILLING CODE 6718-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Seven Birds and Two Bats of Guam and the Northern Mariana Islands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines endangered status for seven birds—Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, and bridled white-eye—and two mammals—the little Mariana fruit bat and Guam population of Mariana fruit bat. All nine animals have declined drastically in numbers and distribution, and several appear close to extinction. This rule implements the protection provided by the Endangered Species Act of 1973, as amended, for these nine species of Guam and the Northern Mariana Islands.

DATES: The effective date of this rule is August 27, 1984. Although the effective date of rules is normally 30 days from publication, the Service considers the status of the species covered by the present rule to be so critical that protection of the Endangered Species Act should be implemented immediately.

ADDRESSES: The complete file for this rule is available for inspection during normal business hours, by appointment, at the Service's Office of Environmental Services, 300 Ala Moana Boulevard, Room 6307, Honolulu, Hawaii 96850.

FOR FURTHER INFORMATION CONTACT: Mr. Sanford R. Wilbur, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 NE. Multnomah Street, Portland, Oregon 97232 (503/231–6131 or FTS 429–6131).

SUPPLEMENTARY INFORMATION:

Background

The islands of Micronesia, in the western Pacific, support relatively few native vertebrate animals, except for those forms that, during some stage of their evolution, developed a capacity for flight. Many kinds of birds, and some bats, have been discovered in the region, often with species or subspecies restricted to a single island. Because of their limited range and specialized ecological needs, island animals have generally proved highly vulnerable to extinction, especially as their habitat was invaded by people and associated disturbances, domestic animals, introduced predators, and diseases.

The jurisdiction of the United States extends over much of Micronesia, including the Territory of Guam and the Commonwealth of the Northern Mariana Islands. In these areas are found the following seven birds and two bats that are the subjects of this rule:

Guam broadbill (*Myiagra freycineti*), described by Ostalet in 1881, a small flycatcher, slate-blue above and cinnamon-white below, endemic to Guam, forages mainly in forest understory;

Mariana crow (*Corvus kubaryi*), described by Reichenow in 1885, similar in appearance and habits to the common crow (*C. brachyrhynchos*) of North America, occurs only on Guam and Rota;

Mariana gallinule (*Gallinula chloropus guami*), described by Hartert in 1917, a long-legged inhabitant of wetlands, largely dark in color, endemic to Guam and several of the Northern Mariana Islands;

Micronesian kingfisher (*Halcyon cinnamomina cinnamomina*), described by Swainson in 1821, largely brown in color, differs from many members of the kingfisher family (*Alcedinidae*) in having a broad and flattened bill, does not catch fish but forages in the forest for small land animals, endemic to Guam;

Guam rail (*Rallus owstoni*), described by Rothschild in 1895, a flightless bird with long legs and small wings, formerly found throughout the forests and grasslands of Guam;

Vanikoro swiftlet (*Aerodramus vanikorensis bartschi*), described by Mearns in 1909, a small member of the swift family (Apodidae), dark green-

brown above and brownish below, endemic to Guam and several of the Northern Mariana Islands, nests in caves;

Bridled white-eye (*Zosterops conspicillata conspicillata*), described by Kittlitz in 1833, a small song bird, light green above and dingy yellow below, found only on Guam, usually forages in upper forest canopy;

Little Mariana fruit bat (*Pteropus tokudae*), described by Tate in 1934, a moderate-sized bat, forearm less than 10 centimeters (4 inches) long, known only from Guam; and

Mariana fruit bat (*Pteropus mariannus mariannus*), described by Desmarest in 1822, a relatively large bat, forearm over 12.5 centimeters (5 inches) long, endemic to Guam and several of the Northern Mariana Islands, found mainly in forest habitat.

All nine of the above species have recently fallen drastically in numbers and distribution. The main cause of the decline of the bird species is not yet known, but may involve the spread of avian diseases or predation by introduced animals. The bats have been decimated largely by killing for use as human food. Habitat loss also probably has been a factor in the decline of some or all of the species. The Guam broadbill, Guam rail, bridled white-eye, and little Mariana fruit bat each apparently numbers fewer than 100 individuals and is thought to be on the verge of extinction. They are among the most critically endangered species of wildlife under U.S. jurisdiction. The populations of the Mariana fruit bat in the Northern Mariana Islands are not competely known; only the Guam population, which has suffered severe losses, is now being classified as endangered.

Of the above, the Mariana gallinule, Guam rail, Vanikoro swiftlet, little Mariana fruit bat, and Mariana fruit bat, and also one other Guam bird, the Mariana dove (*Ptilinopus roseicapillus*), were the subjects of a petition sent to the Service on August 28, 1978, by the Honorable Ricardo J. Bordallo, Governor of Guam, requesting that these animals be added to the U.S. List of Endangered and Threatened Wildlife. A second petition, sent to the Service on February 27, 1979, by the Honorable Joseph E. Ada, then Acting Governor of Guam, requested the listing of the Guam broadbill, Mariana crow, Micronesian kingfisher, and bridled white-eye, and also two other Guam birds, the white-throated ground dove (*Gallicolumba xanthonura xanthonura*) and cardinal honey-eater (*Myzomela cardinalis saffordi*). A third petition, sent to the Service on December 14, 1981, by the Honorable Paul M. Calvo, then Acting Governor of Guam, requested the listing of two addititional Guam birds, the Guam rufous-fronted fantail (*Rhipidura rufifrons uraniae*) and Micronesian starling (*Aplonis opaca guami*), and the sheath-tailed bat (*Emballonura semicaudata*). Still another petition, sent to the Service on November 24, 1980, by the International Council for Bird Preservation, requested the listing of the Mariana crow, Mariana gallinule, Guam rail, Micronesian kingfisher, and Mariana fruit dove, and also one other bird native to the Northern Mariana Islands, the Rota bridled white-eye (*Zosterops conspicillata rotensis*).

In the **Federal Register** of May 18, 1979 (44 FR 29128–29130), the Service issued a notice of review of status for the 12 animals that were the subjects of the first two petitions from the Government of Guam. In the **Federal Register** of February 15, 1983 (48 FR 6752–6753), the Service published the finding that the third petition from the Government of Guam had presented substantial information in support of listing the Guam rufous-fronted fantail, but not the Micronesian starling and sheath-tailed bat. In the **Federal Register** on May 12, 1981 (46 FR 26464–26469), the Service published a notice accepting the petition from the International Council for Bird Preservation, and announcing a status review of the subject birds. In the **Federal Register** of December 30, 1982 (47 FR 58454–58460), the Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled white-eye, Mariana fruit dove, white throated ground dove, cardinal honey-eater, and Mariana fruit bat were included in category 1 of the Service's Review of Vertebrate Wildlife, meaning that there was then thought to be substantial information on hand to support the biological appropriateness of a listing proposal. The Guam rufous-fronted fantail, Rota bridled white-eye, little Mariana fruit bat, and sheath-tailed bat were placed in category 2, meaning that a proposal to list was possibly appropriate. In the **Federal Register** of November 29, 1983 (48 FR 53729–53733), the Service published a proposed rule to determine endangered status for the Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled white-eye, little Mariana fruit bat, and Guam population of the Mariana fruit bat. One of the these species, the Guam rail, was determined as endangered by an emergency rule in the **Federal Register** of April 11, 1984 (49 FR 14354–14356). In the **Federal Register** of January 20, 1984 (49 FR 2485–2488), as corrected on February 16, 1984 (49 FR 5977), the Service published its finding that the listing of the six Guam and Northern Mariana Island species covered by the petition from the International Council for Bird Preservation, and of the Guam rufous-fronted fantail, was warranted but precluded by other listing activity. The seeming discrepancy between this publication and the earlier proposal to list four of these same birds is explained by the fact that the actual finding on the petition had been made by the Service on October 13, 1983, but publication was delayed until January 20, 1984.

Also, prior to the issuance of the proposed rule of November 29, 1983, but subsequent to the Review of December 30, 1982, the Service compiled data indicating that four of the birds covered by the various petitions might not warrant listing. Specifically, the cardinal honey-eater, Micronesian starling, Mariana fruit dove, and white-throated ground dove are now thought to be common on one or more of the Mariana islands north of Guam, and the last species may also be common on the island of Yap to the southwest. As additional information on these birds becomes available, the Service may reasssess their qualifications for addition to the List of Endangered and Threatened Wildlife. The two other birds covered by the petitions, but not included in the proposal of November 29, 1983, the Rota bridled white-eye and Guam rufous-fronted fantail, are thought to warrant listing, but development of a proposal has been precluded by other work. The Service continues to seek data on the sheath-tailed bat in order to determine if listing is warranted.

Summary of Comments and Recommendations

In the proposed rule of November 29, 1983, and associated notifications, all interested parties were requested to submit information that might contribute to development of a final rule. The Governor of the Territory of Guam, the Governor of the Commonwealth of the Northern Mariana Islands, the Chairman of the Biology Department of the University of Guam, and other concerned parties were contacted and requested to comment. A newspaper notice, inviting public comment, was published in the *Pacific Daily News* on December 28, 1983.

Seven comments were received. The Governor of the Territory of Guam, Representative Antonio B. Won Pat of Guam, the Environmental Defense Fund, and one private individual supported the proposal and explained how listing could benefit the involved species. The

U.S. National Park Service also supported the proposal, pointed out that the Mariana gallinule occurred within the American Memorial Park on Saipan, and listed management measures that would be considered for the conservation of this species. A private individual stated that poaching of the Mariana fruit bat is currently occurring on Guam, and made the recommendation, which the Service will consider, that the species be classified as endangered throughout its range. The Governor of the Commonwealth of the Northern Mariana Islands, however, commented that while fruit bat populations are very low on three of the islands in the Commonwealth, populations on most other islands are relatively large and not in need of special protection. The Governor also provided data on four other species in the Commonwealth, but did not state an opinion on the proposed listing thereof.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled white-eye, little Mariana fruit bat, and Guam population of the Mariana fruit bat should be classified as endangered. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 Amendments—see proposal at 48 FR 36062, August 8, 1983) were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to the nine animals named above are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range.

As explained in detail below, there definitely has been a drastic curtailment in the range and numbers of each of the animals that is a subject of this rule. The reduction probably has resulted in part from destruction of much native habitat by human activity on Guam. Nonetheless, a rapid recent decline in populations appears unrelated to this problem, as there are remnants of suitable habitat throughout Guam that are completely devoid of the subject birds and bats.

The Guam broadbill formerly occurred in all forested areas of Guam. It declined severely in recent years, and by the early 1970's was entirely absent from the southern two-thirds of the island. Data from a 1983 census indicate that the population contains fewer than 100 birds, and is apparently restricted to an area of about 373 acres in the Pajon Basin on Ritidian Point, at the north end of the island.

The Mariana crow once was found throughout the islands of Guam and Rota. It disappeared from southern Guam in the mid-1960's and from central Guam in the early 1970's. It is now confined to the northern part of that island, where the population in 1983 was estimated at 150 to 200 individuals. On Rota, the decline apparently has not been so severe; preliminiary results from a 1982 survey indicate that the species still has an island-wide distribution and numbers 1,300 birds.

The Mariana gallinule historically had a wide distribution in the freshwater wetlands of Guam, Tinian, Saipan, and Pagan. The drainage of suitable habitat was a major factor in the reduction of the Guam population to about 100 to 200 birds by 1983. There are also small, very restricted populations on the other three islands.

The Micronesian kingfisher is endemic to Guam, where it formerly occurred in forest and forest edge throughout the island. It was considered common as recently as 1945, but subsequently declined drastically as much of its native limestone forest was destroyed. As many as 3,000 individuals may still survive, but the species is restricted to only a fourth of its original range, and the latest surveys indicate that the decline is continuing.

The Guam rail once occurred in all grassland and forest habitats of Guam. In recent years it experienced a precipitous drop in range and numbers. Surveys in 1983 suggest that fewer than 100 birds survive, and that these are distributed in several small, discontinuous groups in extreme northern Guam. One of these groups, containing a substantial number of the surviving birds, was potentially jeopardized by proposed land clearing operations in the vicinity of Andersen Air Force Base.

The Vanikoro swiftlet historically occupied Guam, Rota, Tinian, Saipan, and Agiguan. The populations of Rota and Tinian apparently disappeared within the last few years. The population on Saipan is declining, while that on Agiguan may be stable. The status of the Guam population is critical; as few as 50 individuals are thought to remain on the island.

The bridled white-eye formerly occurred throughout Guam, but apparently disappeared from the central and southern parts of the island by 1961. Observations in January 1983 indicate that this bird is restricted to an area of about 373 acres in the Pajon Basin on Ritidian Point, at the north end of Guam. With fewer than 50 individuals thought to survive, and a sharp decline still in progress, the bridled white-eye may be the most critically endangered bird under U.S. jurisdiction.

The little Mariana fruit bat is known only from Guam. It apparently has always been less common than the larger Mariana fruit bat and is subject to the same problems (see below). Of over 100 fruit bats collected and scientifically examined on Guam in the 1960's, only one was a little Mariana fruit bat. This individual was a female and was nursing a young, which escaped capture. No specimens are known to have been taken since then.

The Mariana fruit bat has been recorded from Guam, Rota, Tinian, Saipan, and Agiguan. The Guam population has fallen substantially; it is now restricted mainly to the cliff line forests in the northern part of the island, and is estimated to contain about 500 individuals. According to a comment from the Governor of the Commonwealth of the Northern Mariana Islands, preliminary estimates are 25 individuals on Agiguan, 25 on Tinian, and 50 on Saipan, but numbers are reportedly larger on Rota. Relatively large numbers of fruit bats also exist on several other islands in the Northern Marianas, but their taxonomic status is not fully understood.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The main factor in the decline of the Mariana and little Mariana fruit bats is killing for use as human food. These bats are considered delicacies by some of the people on Guam. Although hunting of these species was prohibited on the island in 1973, poaching has continued. Moreover, until 1982, frozen Mariana fruit bats were legally imported to Guam from the Northern Mariana Islands. Importation of other kinds of fruit bats, from other area, is still taking place. Although such activity has declined in recent years, perhaps partly through local educational efforts, almost 11,000 fruit bats were imported under permit to Guam in fiscal year 1982.

Overutilization by people is not thought to have been a major factor in the decline of any of the seven birds that are covered by this rule. However, the

Guam rail was hunted legally as a game bird until 1973. The Mariana crow is still shot by some persons who consider it a pest.

C. Disease or Predation.

The spread of avian diseases is currently a prime suspect as a main factor in the recent decline of the seven birds included in this rule. To date, no particular disease has been identified, but relevant investigations are now being made by the Guam Aquatic and Wildlife Resources Division, funded through the Federal Pittman-Robertson Program and section 6 of the Endangered Species Act. There are some similarities in pattern between the disappearance of birds on Guam and in other areas where disease is thought to have been a major problem. An introduced tropical mosquito (*Culex quinquefasciatus*), now common on Guam, was implicated in the disappearance of many of Hawaii's native birds, by acting as a vector for the spread of avian malaria and other diseases.

Predation by introduced animals is also suspected as a major contributing cause of the observed declines. The brown tree snake, also known as the Philippine rat snake (*Boiga irregularis*), is now widespread on Guam. It is primarily arboreal and could thus prey on eggs and hatchlings in nests, and roosting young and adults. The introduced monitor lizard (*Varanus indicus*) is also common on the island and is a potential predator of birds. Cats, rats, dogs, and hogs, all brought to Guam through human agency, also may threaten native birds, especially the flightless Guam rail. While the general impact of these introduced species is not known, it is potentially severe, considering that the native fauna of Guam developed in an island environment, free from natural mammalian and reptilian predators, and thus may not have retained or evolved effective defenses.

D. The Inadequacy of Existing Regulatory Mechanisms.

All nine animals covered by this rule were classified as endangered by the Territory of Guam on September 24, 1981, and are thus protected by The Endangered Species Act of Guam (Pub. L. 15–36). This protection, however, does not require Federal agencies to insure that their actions are not likely to jeopardize the involved species, does not affect interstate commerce, and does not provide a basis for the substantial financial and technical assistance that will probably be necessary for a successful conservation program.

E. Other Natural or Manmade Factors Affecting Its Continued Existence.

DDT and other chlorinated hydrocarbons were employed extensively on Guam during World War II, and there has since been widespread use of agricultural insecticides. Preliminary results of a 1981 study indicate that pesticides are not now a problem, though they may have impacted birds in the past, especially insectivorous species such as the Vanikoro swiftlet. An additional cause of mortality to the flightless Guam rail is being struck by motor vehicles on roads.

The decision to determine endangered status for the Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled white-eye, little Mariana fruit bat, and Guam population of the Mariana fruit bat was based on an assessment of the best available scientific information and of past, present, and probable future threats to these species. A determination of critical habitat is not considered prudent.

Critical Habitat

Section 7(a)(2) of the Endangered Species Act, as amended, requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. Section 4(a)(3) requires that critical habitat be designated, to the maximum extent prudent and determinable, concurrent with the determination that a species is endangered or threatened. In the case of the nine species covered by this rule, the Service finds that a determination of critical habitat is not prudent. Such a determination would result in no known benefit to the species. The only Federal activity currently known to have a potential adverse effect on any of the species is the clearing of land by the U.S. Air Force in a portion of the Guam rail's habitat on Andersen Air Force Base. In that case, the area in question is well defined and the Air Force has been made aware of the problem. Should any other potential adverse effects develop, the involved agencies could be informed by means other than a critical habitat determination. In addition, such a determination might place the Mariana and little Mariana fruit bats in greater jeopardy. These two bats are prized as delicacies by some persons on Guam and are thus sought by poachers. To point out the precise areas and kinds of habitat they occupy would greatly increase the risk of illegal killing.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened pursuant to the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for land acquisition and cooperation with States, and requires recovery actions. Such actions are initiated by the Service following listing. The protection required by Federal agencies, and taking and harm prohibitions, are discussed, in part, below.

Section 7(a)(1) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal in **Federal Register** of June 29, 1983, 48 FR 29989). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service. No Federal activities that may be affected in this regard are currently known with respect to the determination of endangered status for the Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Vanikoro swiftlet, bridled white-eye, little Mariana fruit bat, and Guam population of the Mariana fruit bat. Determination of endangered status for the Guam rail, however, may result in consultation between the Service and the U.S. Air Force, regarding land clearing operations in a portion of the rail's habitat on Andersen Air Force Base.

The Act and its implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale any Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled white-

eye, little Mariana fruit bat, or member of the Guam population of the Mariana fruit bat in interstate or foreign commerce. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been illegally taken. Certain exceptions apply to agents of the Service and Territorial and Commonwealth conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing such permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

The Service will now review the nine species covered by this rule to determine whether any should be considered for placement on the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora or for other appropriate international agreements.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Author

The primary author of this rule is Ronald M. Nowak, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975 or FTS 235–1975).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulations Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 83–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Section 17.11(h) is amended by adding the following, in alphabetical order, to the List of Endangered and Threatened Wildlife under "MAMMALS" and "BIRDS:"

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Mammals							
*	*	*	*	*	*	*	
Bat, little Mariana fruit	*Pteropus tokudae*	Western Pafific Ocean: U.S.A. (Guam).	Entire range	E	156	NA	NA
Bat, Mariana fruit	*Pteropus mariannus mariannus*	Western Pacific Ocean: U.S.A. (Guam, Rota, Tinian, Saipan, Aguiguan).	Guam	E	156	NA	NA
*	*	*	*	*	*	*	
Birds							
*	*	*	*	*	*	*	
Broadbill, Guam	*Myiagra freycineti*	Western Pacific Ocean: U.S.A. (Guam).	Entire range	E	156	NA	NA
Crow, Mariana	*Corvus kubaryi*	Western Pacific Ocean: U.S.A. (Guam, Rota).	do	E	156	NA	NA
Gallinule, Mariana	*Gallinula chloropus guami*	Western Pacific Ocean: U.S.A. (Guam, Tinian, Saipan, Pagan).	do	E	156	NA	NA
Kingfisher, Micronesian	*Halcyon cinnamomina cinnamomina*	Western Pacific Ocean: U.S.A. (Guam).	do	E	156	NA	NA
Rail, Guam	*Rallus owstoni*	Western Pacific Ocean: U.S.A. (Guam).	do	E	146E, 156	NA	NA
Swiftlet, Vanikoro	*Aerodramus (-Collocalia) vanikorensis bartschi.*	Western Pacific Ocean: U.S.A. (Guam, Rota, Tinian, Saipan, Aguiguan).	do	E	156	NA	NA
White-eye, bridled	*Zosterops conspicillata conspicillata*	Western Pacific Ocean: U.S.A. (Guam).	do	E	156	NA	NA

Dated: August 1, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84–22681 Filed 8–24–84; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Experimental Populations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service amends Part 17 of Title 50 of the Code of Federal Regulations in order to comply with certain changes made in the Endangered Species Act of 1973 (Act) by the Endangered Species Act Amendments of 1982 (Amendments). Part 17 is hereby amended to establish procedures for: (1) The establishment and/or designation of certain populations of species otherwise listed as endangered or threatened as experimental populations; (2) the determination of such populations as "essential" or "nonessential"; and (3) the promulgation of appropriate protective regulatory measures for such populations. This final rule is issued by the Service to amend Part 17 and implement section 10(j) of the

Endangered Species Act. This rule outlines the procedure to be utilized in designating experimental populations of listed species.

DATE: The effective date of this rule is September 26, 1984.

ADDRESSES: Questions concerning this action should be addressed to the Assoicate Director—Federal Assistance, U.S. Fish and Wildlife Service, Washington, D.C. 20240, Attention: Experimental populations. Comments and materials relating to this rule are available for public inspection by appointment during normal business hours (7:45–4:15 p.m.) at the Service's Office of Endangered Species, 1000 North Glebe road, Suite 500, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act Amendments of 1982, Pub. L. 97–304, became law on October 13, 1982. Among the significant changes made by the 1982 Amendments was the creation of a new section 10(j), which established procedures for the designation of specific populations of listed species as "experimental populations." Prior to the 1982 Amendments, the Service was authorized to translocate listed species into unoccupied portions of their historic range in order to aid in the recovery of the species. Significant local opposition to translocation efforts often occurred, however, due to concerns over the rigid protection and prohibitions surrounding listed species under the Act. Section 10(j) of the 1982 Amendments was designed to resolve this dilemma by providing new administrative flexibility for selectively applying the prohibitions of the Act to experimental populations of listed species.

As a result of the 1982 Amendments, the provisions of section 7 and section 9 may now be discretionarily applied to an experimental population. Section 9 stringently prohibits the taking of endangered species of fish and wildlife. The 1982 Amendments provide new flexibility under that section by authorizing the treatment of an experimental population as "threatened" even though the donor population from which the experimental population came is currently listed as endangered. Treatment of the experimental population as threatened enables the Secretary to impose less restrictive taking prohibitions under the authority of section 4(d) of the Act. As for section 7, subsection 7(a)(2) of that section prohibits Federal agencies from authorizing, funding, or carrying out any activity which would be likely to jeopardize the continued existence of an endangered or threatened species or adversely modify their critical habitats. Under the 1982 Amendments, however, experimental populations that are not "essential" to the continued existence of a species in the wild (and not located within a unit of the National Part System or National Wildlife Refuge System) are excluded from protection under section 7(a)(2) of the Act. For such species, Federal agencies would only be required under the Act to informally confer with the Fish and Wildlife Service (treating the species as if they were proposed species) under the terms of section 7(a)(4). (The provisions of section 7(a)(1) would also apply to "nonessential" experimental populations.) On the other hand, experimental populations determined to be "essential" to the survival of a species would remain subject to all of the provisions of section 7. The individual organisms comprising the designated experimental population would be removed from an existent source or "donor"s population only after it has been determined that their removal would not violate section 7(a)(2) of the Act and would comply with the permit requirements of section 10(a)(1) (A) and (d). This rule would add a new subpart to 50 CFR Part 17 governing designations of experimental populations and would allow for the identification of special rules governing experimental populations in the lists of endangered and threatened wildlife and plants.

The 1982 Amendments specified a regulatory procedure to be followed for the designation of experimental populations of listed species. In addition, the Conference Report accompanying the Amendments also provides for the conservation of experimental populations by means of written agreements or memoranda of understanding (MOU) between the Service and other Federal land managing agencies. The Conference Report indicates, however, that MOU, which may be used to address special management concerns, cannot be used as a substitute for the rulemaking process outlined in this rule to identify the location of an experimental population, to determine its essentiality, and to determine whether the establishment of the population will further the conservation of the species. The use of MOU without the promulgation of section 10(j) regulations would not relieve any of the restrictions under sections 7 and 9 otherwise applicable to the species. However, MOU may be used in appropriate cases as a substitute for additional protective regulations under section 4(d) if the Federal land managing agency has an effective management program in place that satisfies the standards of section 4(d). See H.R. Conf. Rep. No. 835, 97th Cong., 2d Sess. 34 (1982).

The designation of an experimental population would include the development of special rules to identify geographically the location of the experimental population and identify, where appropriate, procedures to be utilized in its management. The special rule for each experimental population would be developed on a case-by-case basis. It is expected that some regulations to designate an experimental population may also authorize special activities designed to contain the population within the original boundaries set out in the regulation. This will avoid law enforcement problems stemming from the inability to distinguish between fully-protected specimens of the donor population from lesser protected specimens of the experimental population.

Regulations for the establishment or designation of individual experimental populations will be issued in compliance with the informal rulemaking provisions of the Administrative Procedure Act (APA), 5 U.S.C. 553, in order to secure the benefit of public comment and address the needs of each particular population proposed for experimental designation. A rulemaking under section 10(j) will provide a minimum 30-day comment period. Because it does not involve an actual determination of endangered or threatened biological status for a species, section 10(j) rulemaking is not required to follow the usual section 4 regulatory process for listing under the Act. (However, if critical habitat is proposed, then the section 4 listing process would apply.) An experimental population is by statute given the classification of "threatened," and the section 10(j) process is primarily involved with legal determinations and the promulgation of "special rules" that can be issued under the informal rulemaking process of the APA.

Summary of Comments and Recommendations

The Service received comments from the following: Delaware Department of Natural Resources and Environmental Control; Illinois Department of Conservation; Maryland Department of

Natural Resources; Michigan Department of Natural Resources; Montana Department of Fish, Wildlife and Parks; New Mexico Department of Game and Fish; North Carolina Wildlife Resources Commission; Puerto Rico Department of Natural Resources; South Dakota Department of Game, Fish and Parks; Texas Parks and Wildlife Department; Utah Resource Development Coordinating Committee; Wisconsin Department of Natural Resources; Colorado River Water Conservation District; Oregon Department of Transportation; Texas Department of Water Resources; U.S. Department of Interior, Bureau of Reclamation (BOR); U.S. Department of Interior, Bureau of Land Management (BLM); U.S. Department of Agriculture, Forest Service (USFS); Marine Mammal Commission (MMC); Defenders of Wildlife (DW); Environmental Defense Fund (EDF); Friends of the Sea Otter; National Wildlife Federation (NWF); Wildlife Management Institute (WMI); American Mining Congress; Conoco Inc.; Northern Colorado Water Conservancy District, Colorado Water Congress (provided by Davis, Graham and Stubbs); Ecological Analysts, Inc.; National Forest Products Association (NFPA); Standard Oil Company (Indiana); Utah International Inc.; and Western Oil and Gas Association (WOGA).

Many comments expressed overall approval of the proposal. Comments of a general nature are addressed below. More specific recommendations and responses follow, organized by the section of the proposed rule to which they refer.

General Comments

Comments received from Colorado, Utah, and the USFS indicate that they find the entire designation/listing process too cumbersome and complex. According to these agencies, the procedure to be used for experimental designation was not clearly stated. The Service regrets this confusion but believes that the guidance stated in section 10(j) and the accompanying Conference Report has been followed as clearly as possible in developing these regulations. The USFS also states that Memoranda of Understanding (MOU) between agencies would be more effective in encouraging species recovery. The Service agrees that MOU are useful/viable tools in species recovery efforts, but that they should not serve as a substitute for the actual designation of an experimental population in the first instance if an experimental designation is considered the best approach for enhancing the recovery efforts. Once designated, however, MOU can be used to implement or supplement the various conservation programs for an experimental population, and under the right circumstances this would be encouraged.

WOGA requested clarification of the phrase "special management concerns" used to describe a possible use for MOU. The Service considers "special management concerns" to refer to a situation that could exist between a Federal land management agency and the Service in which some specific action, such as building a fence, providing a buffer, diverting water flow, or maintaining timber activities at a specific distance from breeding areas, would promote the conservation of a listed species. MOU could be used to implement such actions.

Concern was voiced by the Colorado River Water Conservation District (CRWCD) that an Environmental Impact Statement (EIS) should have been prepared for these proposed regulations to insure a more comprehensive analysis. BLM suggested that public involvement would strengthen the development of future experimental population regulations by utilizing the procedures identified under the National Environmental Policy Act (NEPA), and NFPA stated that an EIS should be required for the release of experimental populations on public land. In addition, comments received by WOGA recommended that criteria be established in the regulation to determine whether an EIS should be prepared with regard to the establishment of an experimental population. As for the comment from CRWCD, the Service believes that an environmental assessment is adequate and that an EIS is not required for this rulemaking. This generic regulation is procedural in nature and as such no significant impact on the quality of the human environment is anticipated. Subsequent regulations dealing with the designation and establishment of specific populations will be evaluated as to the need for the preparation of an EIS as they are developed. Moreover, there is no need to encumber these regulations with an additional section on NEPA compliance; the regulations promulgated by the Council on Environmental Quality will be followed by the Service as it complies with NEPA on future section 10(j) rulemakings. See 40 CFR Parts 1500–1508.

Several commenters discussed the scope of environmental reviews that must be prepared for "nonessential" experimental populations. DW argued that nonessential populations should be considered in NEPA analysis, in section 7(c) biological assessments, and in other environmental reviews. EDF agreed that nonessential populations, which are treated for purposes of section 7 requirements as species proposed for listing, must be discussed in biological assessments. The Service concurs with DW on the point that Federal agencies should analyze impacts on nonessential experimental populations, along with other populations of fish and wildlife, when complying with the requirements of NEPA. However, the Service notes that biological assessments under section 7(c) are not required to cover impacts to species proposed for listing. Although the Service must provide a list of all listed and proposed species that may be present in the action area to the requesting Federal agency, the biological assessment itself need only identify listed species that are likely to be affected by the action.

The purpose of the biological assessment is to facilitate compliance with section 7(a)(2)—the "jeopardy" prohibition—that applies only to listed species. The Service encourages Federal agencies to include proposed and candidate species in their biological assessments, because the early identification of project impacts may lead to the orderly resolution of potential section 7 conflicts. Nevertheless, the Service acknowledges that the inclusion of nonessential experimental populations (that are outside the boundaries of any unit of the National Wildlife Refuge System or the National Park System) in biological assessments performed under section 7(c) is at the discretion of Federal agencies.

Extensive comments were received which addressed the essential/nonessential categorization of experimental populations. New Mexico and the Colorado Water Congress/Northern Colorado Water Conservancy District believe that once a population has been designated nonessential and reintroduced into the wild, reclassification to essential and/or endangered status should not be permitted. The Service cannot categorically state that such reclassification will never occur; however, the Service deems it highly unlikely that any such action would proceed without full cooperation with the affected parties. In conjunction with this discussion, Standard Oil of Indiana commented that as populations of the same species are established, the essentiality of subsequent reintroductions would decrease. The

Service agrees with this position and believes this best describes the intent of the experimental designation, that is, to increase the recovery potential of listed species. Montana stated that the status of a population should be determined prior to its establishment. The Service concurs with this position, and through the regulatory process for each experimental population designation will require that all determinations on essentiality be made prior to any action being taken.

Colorado River Water Conservation District, BOR, and NFPA suggested that all reintroduced populations be nonessential. BOR believes all populations are being reintroduced as an "experiment" to see if expansion of the population into historic range is possible. The Colorado River Water Conservation District suggests that Congress intended that all populations be nonessential, while NFPA contends that a nonessential designation will insure flexibility and encourage cooperation. The USFS stated that they would be reluctant to enter into a management agreement with the Service for the reintroduction of an essential population. While the Service cannot agree in advance of specific rulemakings that all experimental populations will be designated as nonessential, it nevertheless concurs with the general observation that a nonessential designation would be the most advantageous to encourage cooperation and should be most actively pursued. However, the Service feels that the requirement of a determination of "essentiality" in section 10(j) indicates Congress's intent that such a designation be given consideration and that, under some circumstances, essential status is justified. Where the biological facts support an essential designation, the Service intends to make this determination. In a situation where an affected agency, organization, or individual refuses to cooperate on a reintroduction because of an essentiality designation, the Service will reevaluate the designation and, if the status remains unchanged, may withdraw the proposal.

Contrary to the comments discussed above, Ecological Analysts, Inc. and the USFS state that no species classified as endangered could have populations that are biologically nonessential to their survival. The Service disagrees with this statement, because there can be situations where the status of the extant population is such that individuals can be removed to provide a donor source for reintroduction without creating adverse impacts upon the parent population. This is especially true if captive propagation efforts are providing individuals for release into the wild. The commenters also ignore Congressional intent in explaining the "essential" determination:

> * * * The Secretary shall consider whether the loss of the experimental population would be *likely to appreciably reduce the likelihood of survival of that species in the wild.* If the Secretary determines that it would, the population will be considered essential to the continued existence of the species. The level of reduction necessary to constitute "essentiality" is expected to vary among listed species and, *in most cases, experimental populations will not be essential.*

H.R. Conf. Rep. No. 835, *supra* at 34 (emphasis added). An "essential" experimental population will be a special case, not the general rule.

Several commenters (BLM, Texas Department of Water Resources, Utah International) have stated that the proposed regulations limit the participation of affected agencies, organizations, and private landowners from taking part in the procedures utilized to designate experimental populations. The Service regrets that the proposed regulation gave this impression since this is not, and never has been, the intent of the Service. The Service encourages and seeks full participation in these procedures, and Congress obviously intended it by requiring the development or regulations which include a public comment period. The Service intends to make every effort to contact the affected parties during the development of the experimental regulation and to seek input from *all* such parties during the official comment period following publication of the proposed rule.

Comments from the Texas Department of Water Resources suggest that experimental population designations could be used to stop pending development projects which could be avoided if the Governors of each State had the right to veto inappropriate species translocations. Without question, a State may impose more restrictive taking prohibitions than those enforced by the Service. See section 6(f) of the Act. The Service acknowledges the States' authority to establish more stringent conservation measures for resident species. This section 6(f) authority reserves for the States the power to implicitly control translocation activities within their borders to the extent those activities involve takings of resident listed species which would first have to be approved by the State.

South Dakota suggests that this rule could be used as a special tool to benefit private industry or special interest groups. Conoco recommends not locating experimental populations in, or adjacent to, areas that could be subjected to development activities. In addition, the NFPA believes that experimental populations should only be located on public land.

The Service recognizes the concern expressed in these comments that section 10(j) may not be appropriately or judiciously applied. The Service can only restate that its primary concern in the application of this regulation is the recovery of listed species. It is not the Service's intent to use section 10(j) as a short-cut to be applied in every circumstance where a translocation or reintroduction has been identified as a viable recovery action. Section 10(j) will only be considered in those instances where the involved parties are reluctant to accept the reintroduction of an endangered or threatened species without the opportunity to exercise greater management flexibility on the introduced population. When selecting a site for reintroduction, biological concerns will be given primary consideration; however, all relevant factors, including economic considerations, will be weighed before any action is proposed. Additionally, the Service does not believe that private lands should be summarily excluded from consideration. If a private landowner is willing to cooperate and the site is biologically feasible, the Service believes that the site should be given full consideration.

Friends of the Sea Otter, DW, and EDF expressed concern that the Service would use section 10(j) exclusively and abandon traditional reintroduction policies, whereas Standard Oil (Indiana) believes that this Section should be used for conservation purposes only.

WOGA also believes the Service should further clarify the relationship between the prior propagation and enhancement permit authorizations in section 10(a) and the new provisions of section 10(j) of the ESA: Is section 10(j) the only authority the Service will use to establish a separate population of a listed species? The Service does not believe that the Secretary's authority to take action to enhance the recovery of a listed species is limited to the establishment of experimental populations as described in section 10(j). As discussed above, the Service believes that adequate authority, apart from section 10(j), exists to authorize translocation efforts for listed species and could be exercised in those

instances where the administrative flexibility of section 10(j) is not required. Section 10(j) was added by Congress to expand, not to limit, the Service's existing authority and range of options on the issue of transplantation.

WOGA also requested that these regulations explain the relationship of section 10(j) of the ESA to other wildlife protection statutes that may hinder the establishment of experimental populations. It must be noted that an experimental population established under section 10(j) of the ESA does not exempt that population from the restrictions imposed by other applicable Federal wildlife laws. Thus, to the extent that these rules only set forth how management flexibility can be achieved under section 10(j) for purposes of ESA (sections 7 and 9) compliance, there is no need to address any further the applicability of other Federal wildlife laws which cannot be affected by an experimental population designation under section 10(j).

The Colorado River Water Conservation District and the Colorado Water Congress/Northern Colorado Water Conservancy District have expressed concern about the stocking of endangered and threatened fish and how this relates to the experimental population regulation. The Service does not consider fish stocking per se as a method of establishing experimental populations and stocking as traditionally used by the Service is not covered by these regulations. Stocking to augment existing populations could be viewed, in some cases, as a separate activity from an experimental population reintroduction. Stocking, as traditionally used by the Service and referred to in the comments discussed here, is a method of adding additional numbers of individuals into an existing population. In most cases, this would not apply to an experimental population since geographical isolation is a prerequisite for the introduction of an experimental population, and authorized release by the Secretary must be outside the current range of the species.

New Mexico has proposed that under some circumstances experimental populations could be designated for purposes other than recovery of a listed species. For example, they suggest that certain species of listed fish could be introduced into areas for use in mosquito control. While the Service recognizes that some of the activities carried out by experimental populations could incidentally benefit the public in ways unrelated to the recovery of the species, the intent of section 10(j) was that an experimental designation only be applied when necessitated by the conservation and recovery needs of a listed species. See section 10(j)(2)(A). Consequently the Service would not support an experimental designation based on nonconservation purposes.

South Dakota asked what would happen to a State listed species if the Federal listing changed as a result of an experimental nonessential designation. For the reasons stated above regarding section 6(f), the Service believes that State laws regulating take may continue to apply and that an experimental designation will not mandate an amendment to the State list.

USFS and NWF raised concerns over the impact of the recent decision in *Sierra Club* v. *Clark*, Civil No. 5–83–254 (D. Minn. Jan. 5, 1984), *appeal pending*, on the less restrictive taking prohibitions that could apply to an experimental population under section 10(j). In the above-cited case, the court rejected the Secretary's assertion of authority to allow regulated taking of threatened species absent a showing of the need to reduce population pressures in an ecosystem which "cannot be otherwise relieved." The Service notes that Congressional intent behind authorizing an experimental population release was not to relieve pressure on an existing ecosystem but to enhance the recovery potential of a listed species. Section 10(j)'s essential purpose was to provide the Secretary sufficient flexibility so that public opposition to the release of experimental populations could be avoided:

> The [House] Committee [on Merchant Marine and Fisheries] also expects that, where appropriate, the [experimental population] regulations could allow for the directed taking of experimental populations. For example, the release of experimental populations of predators, such as red wolves, could allow for the taking of these animals if depredations occur *or if the release of these populations will continue to be frustrated by public opposition.*

H.R. Rep. No. 567, 97th Cong., 2d Sess. 34 (1982) (emphasis added). Thus, based upon the legislative history behind this section, the Service believes that the taking provisions adopted under section 10(j) would not be restricted by the ruling in *Sierra Club* v. *Clark*.

Section-by-Section Analysis

Section 17.80 Definitions.

Section 17.80(a)—WOGA and MMC have commented on the restrictive nature of the definition of "experimental population" used in the proposed regulation. WOGA expressed concern that migratory species are being excluded from the application of this regulation. They state that those situations which result in excessive overlap of experimental and nonexperimental species or, in situations which may exist after the expansion of the first generation of introduced species, are not adequately addressed in the regulation as presently stated. Their suggestion is to reword the definition to identify an "experimental population area" as an area within which all individuals will be considered experimental and outside of which they will be considered nonexperimental. The Service supports this concept but believes that if the present definition is carefully examined, it will be shown that the criterion for an experimental population area is being met in the current definition without it being expressly stated. An "experimental" designation, in conjunction with § 17.81(c)(1), requires that there be included within the regulation establishing an experimental population a description of the area in which the species will be found and where it will be identified as experimental. This establishes, in effect, an experimental population area. The Service believes that this occurs without changing the wording of the proposed regulations. Boundaries will be identified and the population within these boundaries will be experimental.

Should individuals move outside this area and commingle with nonexperimental individuals of the same species, the experimental designation will no longer apply outside the boundaries of the experimental zone. In reference to a migratory population, the entire population could be identified as experimental and thereby the location where that population is found would be the experimental population area. If a species has fixed migration patterns, then its location (including periods of overlap) is predictable.

The MMC comments focused on what they believed to be the narrow interpretation of the current definition. Their main concern was the use of the phrase "during specific periods of time" which they stated does not take into account those situations in which migration patterns may vary in such a way that separation, even though predictable, may not occur at specific periods of time. They also identify the phrase "during a portion of the year" as too restrictive and not accounting for those species which may not overlap on an annual basis. Additionally MMC recommended that the word "treated" be inserted in the fourth sentence of § 17.80(a) to add consistency to the definition. The Service concurs with

these suggestions and has made changes in the final rule accordingly.

The Colorado Water Congress/ Northern Colorado Water Conservancy District included a comment that the introduction of an experimental fish population into a river system with natural populations would result in an unacceptable implementation of this regulation in regards to separating natural and experimental populations. The Service concurs that this would result in an unreliable application of this regulation and therefore intends to review carefully all such proposals to insure that compliance with the regulation is attained.

Section 17.80(b)—Several commenters (DW, EDF, Friends of the Sea Otter) requested a wording change in the definition applied to an essential designation, by inserting the phrase "would be likely to," which was used in the Conference Report accompanying section 10(j). They suggest that this reduces the restrictive nature of the definition and corresponds more accurately with the intent of Congress. The Service concurs and the final rule has been altered to reflect this change. The American Mining Congress has commented that the Conference Report also included the statement that most experimental populations will be nonessential. The Service is aware of this statement and has earlier stated agreement with this position. However, the Service does not feel that this is an appropriate statement to include in the definition of essential/nonessential and, as such, will not amend the definition.

MMC comments suggest that other conditions may be applied to determine the essential/nonessential status of an experimental population and that standards should be used to make this determination. Although it is true that "likelihood of survival in the wild" may not be the only factor to be considered in determining essentiality and other factors could be applied, the Service chooses to abide by the language in the statute and not expand the scope of essentiality beyond "likelihood of survival." By the same token, the Service also does not choose to narrow the scope of "essentiality" by adopting the phrase "imminent danger of extinction" as suggested in the comments from WOGA. The Service believes that "likelihood of survival of a species in the wild" encompasses the possibility of extinction and that this factor will of necessity be considered in making a determination of essentiality. Also inherent in this determination is the consideration of what the potential loss of the experimental population will have on the species as a whole.

Section 17.81 Listing.

Section 17.81(a)—Comments by NWF and BOR question the restrictions put on reintroduction of experimental populations by limiting reintroduction sites to areas within probable historic range. They suggest that this is an unnecessary constraint to apply to this statute (Ecological Analysts, Inc. takes the opposite view) and that ESA contains no such restrictions. Long-standing Service policy provides that the relocation or transplantation of native listed species outside their historic range will not be authorized as a conservation measure. For conservation measures involving the transplantation of listed species, it is Service policy to restrict introductions of listed species to historic range, absent a finding by the Director in the extreme case that the primary habitat of the species has been unsuitable and irreversible altered or destroyed. The Service believes this is the most biologically acceptable approach to utilize in species introductions. Further, the purposes and policies of the Act would be violated if the Service were to regularly permit the introduction of listed species into new habitat areas as exotic species. Under sections 2(b) and 2(c)(1) of the Act, the Service must commit itself to ecosystem protection and to programs for the conservation of listed species in their natural habitats. Generally, the transplantation of listed species to non-native habitat abandons the statutory directive to conserve species in native ecosystems. Transplantation of listed species beyond historic range would subject the population to doubtful survival chances and might result in the alteration of the species' gene pool—results that are clearly contrary to the goals of the Act. Additionally, the concept of releasing any species into non-native habitat runs afoul of the spirit of Executive Order 11987, which prohibits the introduction of exotic, foreign species into the natural ecosystems of the United States. The final rule reflects the above considerations.

MMC has pointed out that the use of the word "may" is inconsistent with the regulatory requirements identified in sections 10(j)(2)(B) and 10(j)(3). The Service has clarified the final rule to plainly show that all designations of experimental populations must comply with the rulemaking requirements of 5 U.S.C. 553 and the provisions of Subpart H.

Several commenters asked whether the Service has an affirmative duty under section 10(j)(3) to evaluate for experimental status all populations of listed species that were released prior to the effective date of the 1982 ESA Amendments. The Service is clearly authorized under section 10(j)(3) to grant experimental status to populations released in areas separate from parent stock prior to the 1982 Amendments, but this authority *shall* be exercised only through the rulemaking process. The authority to undertake the review is discretionary; the regulatory process required for exercising the authority is mandatory. Therefore, although the Service may be petitioned to designate a previously-released population as experimental under section 10(j)(3), the ESA does not compel the Service to approve such a request. Such a petition would be handled in accordance with the requirements of the Administrative Procedure Act and 43 CFR Part 14.

WOGA asked whether actions taken by the Service to enhance the habitat of a listed species, which intentionally or unintentionally result in the natural expansion of that species' range, would constitute a release of an experimental population covered by section 10(j). Although proposals to establish experimental populations may include habitat improvement efforts in areas geographically separate from a species' current range, expansion of the species' range by habitat enhancement only is not eligible for section 10(j) treatment. Before a new population is released as "experimental," there must be a likelihood that the times of geographic separation are reasonable predictable for the released stock and the parent stock. The Service can not reduce protections for fish, wildlife, or plant species that expand naturally into contiguous habitat areas under authority of section 10(j).

In addition, DW suggests that the biological conditions for a release outside a species' current natural range be more clearly stated. The Service concurs with this comment and has added the phrase "into suitable natural habitat" in the final rule.

Section 17.81(b)—As a result of the comments received on this section, the Service has made several modifications in the wording. These modifications reflect suggestions by Friends of the Sea Otter, WMI, DW, and The American Mining Congress that findings by the Secretary be based on the best data available.

Other comments by WOGA and EDF indicate that the items to be considered before authorizing the release of experimental populations need to be more fully elaborated. This includes

additional findings, other than those already noted in the proposed regulation, prior to making a release. For example, both organizations suggest that experimental populations should not be authorized for release unless a reintroduction need has been identified in an approved recovery plan for that species. The Service appreciates this suggestion since recovery plans are the planning document used by the Service to track species recovery efforts. However, the Service recognizes that the writing/revision of a recovery plan is a time consuming effort and initial experimental population designations may not be identified in current plans. Moreover, now that the management option of an experimental designation is available, the Service anticipates that plans under development and scheduled for revision will begin to address this option if applicable. In any event, the Service retains the option of proposing the release of an experimental population, regardless of whether the release is documented in an approved recovery plan, if the Service determines that such action fulfills the immediate conservation need of the species.

WOGA has also identified the risk factor in releasing a population. That is, a risk to the species from a possible unsuccessful release attempt and risk to a released population because of anticipated human activity. The Service notes that the risk factor for a released population is continually under consideration. Factors relating to the success of a release effort will be reviewed in discussions with all parties involved in the project. No release will be attempted if the risk to the species is so great that it has little chance to succeed. Assessing the risk factor is inherent in the entire regulatory process. Carrying capacity of the release site, population dynamics, behavioral criteria, all items that WOGA suggests be recorded in the risk analysis, are all factors to be considered in the assessment conducted by the Service prior to proceeding with the action. The Service believes that this risk assessment analysis is covered by the finding in § 17.81(b)(s) and by its compliance with NEPA on each reintroduction proposal. WOGA also recommended the inclusion of a 17.81(g) requiring the maintenance of an administrative record. The Service contends that the regulation developed for each experimental population, along with its associated record of supporting data, analysis, and other materials, represents an adequate administrative record of the Service's assessment of an experimental population release.

WOGA and the American Mining Congress believe the Service should consider, prior to the release of a population, the effect activities being carried out by public and private organizations will have on the experimental population. Site selection for a release should take into consideration human activities. The Service concurs that this is an important factor and should be incorporated into findings assessing the potential of a release site. Paragraph (4) is added in the final rule to accommodate this concern.

Section 17.81(c)—Recommendations were made by EDF, DW, WOGA, and Friends of the Sea Otter to alter wording in several of the procedures found in this section. Both EDF and DW reiterated the position regarding section 10(j)(2)(B) that requires the Secretary to utilize the best information available in making a determination of essentiality. The Service concurs and § 17.81(c)(2) is altered to reflect this position. Friends of the Sea Otter, DW, Illinois Department of Conservation, and WOGA have suggested wording changes in § 17.81(c)(3) which the Service recognizes as helpful in clarifying the intent and has incorporated them in this section (especially the phrase "isolate the experimental population from the natural population" provided by DW which accurately represents the position of the Service). WOGA requested a provision be added to require a map of the release site. Inasmuch as the Service does not recognize the need to establish an "experimental population area" per se as discussed previously, this change will not be made.

EDF, DW, and WOGA have all recommended a provision be added to the regulation to require a periodic review and assessment of the release in terms of the conservation and recovery of the species. The Service concurs with this comment and a provision expresssing this action has been added in the final rule.

Section 17.81(d)—Comments were received from New Mexico Department of Game and Fish, Oregon Department of Transportation, MMC, Utah International Inc., Conoco, Colorado Water Congress/Northern Colorado Water Conservancy District, BLM, Standard Oil (Indiana), American Mining Congress, Friends of the Sea Otter, DW, EDF, WMI, and WOGA on this section. All comments, with the exception of WMI, recommended expanding the scope of the consulting procedures during the development and implementation of the experimental population regulation. The service is anxious to assure all commenters that no affected party will be knowingly excluded from the process. The Service feels the primary cooperators in this effort would be the States and affected Federal land managing agencies, and the Service concurs with New Mexico that the State wildlife agencies would be a primary contact in this endeavor. The Service believes that in most instances the State wildlife agencies would take the lead in the implementation of these regulations. By the same token, the Service will seek the involvement of all interested parties. Comments on proposed experimental populations will be sought from the public, concerned governmental agencies, the scientific community, industry, private interest, and other interested parties. To encourage and insure participation in this activity, the Service generally accepts the recommendations provided and has amended the final rule accordingly.

WOGA requested that several specific procedures be added to the experimental population regulations. Among these were: (1) A requirement that actual notice of a proposed experimental population be given to certain interested parties not less than 6 months before the publication of the proposed rule; and, (2) the requirement of a public meeting at least 60 days before publication of a proposed rule to establish an experimental population. The Service notes that these suggested procedures are not provided for in section 10(j), which only requires that the Service proceed "by regulation" (*i.e.*, in accordance with 5 U.S.C. 553). Because the Service does not want to unnecessarily complicate the experimental population regulatory process with specific notice and hearing requirements, WOGA's suggested procedures have not been adopted. However, the Service emphasizes that notice of all proposed experimental populations will be disseminated in a manner that encourages full involvement of interested parties in the rulemaking process. Section 10(j) was added by the 1982 ESA Amendments to give the Service more flexibility in establishing new populations of listed species; the Service intends to implement this Congressional goal while consulting with all interested parties throughout the experimental population process.

WMI recommended the work "wildlife" be substituted for the work "game." The Service concurs in the final rule.

The American Mining Congress stated that MOU are an excellent way to foster

cooperation and involvement in the experimental population regulatory process and suggests that their use be encouraged in the regulation. The Service feels that there is nothing in the regulation that restricts the use of MOU other than to state that they cannot be used as a substitute for an experimental population regulation in the first instance. MOU can be developed in cooperation with an organization (public or private) or individuals that are working with the Service toward the management of an experimental population. The Service favors the use of MOU for purposes of implementing management programs, and under some circumstance would encourage them, but does not feel that they should be required by regulation. The Service regrets any misunderstanding concerning the use of MOU but does not believe their use should be specifically required in this section.

Section 17.81(f)—DW suggests that this section is confusing and unnecessarily restricts the designation of critical habitat for essential experimental populations. The third sentence of this section restricts the designation of critical habitat in areas of overlap. The Service believes that this is a valid restriction and should not be modified. New Mexico expressed concern that the designation of critical habitat be based on the strict interpretation of the Act and that no critical habitat be designated for nonessential experimental populations. The Service concurs with this view and intends to strictly adhere to the provision outlined in section 4 of the Act when designating critical habitat. The Service restates that no critical habitat will be designated for a nonessential population. The wording of this section has been modified in the final rule for the sake of clarity.

Section 17.82 Prohibitions.

MMC expressed concern that by stating "all the applicable prohibitions" this regulation may be inadvertently excluding pertinent applicable prohibitions from other statutes. The Service agrees and amends the final rule accordingly. The Colorado Water Congress/Northern Colorado Water Conservancy District are concerned that prohibitions discussed in this section might interfere with stocking efforts and may result in an imposition on development activities. The Service can only restate that fish stocking as a traditional management tool would not be applicable to an experimental designation. In those circumstances where fish can be introduced into the wild as experimental, the prohibitions implemented under Section 4(d) of the Act would apply.

Section 17.82 Interagency Cooperation.

MMC recommended that the regulation take into account the possibility of Park systems and Refuge systems expansion. On the other hand, WOGA urged the Service to restrict this Section to only those areas of the National Park System and National Wildlife Refuge System in existence as of the effective date of any rule establishing an experimental population. The Service concurs with the MMC comment as fulfilling Congressional intent and amends the final rule accordingly.

BOR requests clarification of the specific section 7 requirements for a nonessential population determined to be in the project area. The Service believes that an informal "conference" (section 7(a)(4)) with the Service is proper and § 17.83 follows this interpretation. DW notes that the provisions of section 7(a)(1) apply to nonessential experimental populations. The preamble has been amended to reflect this coverage.

WOGA has presented a detailed discussion on the dichotomy of the use of the term "species" relating to section 7 of the Act. When used in § 17.80(b), the term represents the entire population (existing population plus proposed experimental population), and when used in § 17.83, it is limited to experimental populations. They believe this contradiction limits the practical utility of these regulations and may result in increased conflicts under section 7. The Service's intent was to consider experimental populations and nonexperimental populations as one listed species for the purposes of section 7 analysis. The Service regrets this confusion and has clarified § 17.83 accordingly.

Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

The U.S. Fish and Wildlife Service has determined that this is not a major rule as defined by Executive Order 12291; that the rule would not have a significant economic effect on a substantial number of small entities as described in the Regulatory Flexibility Act (Pub. L. 96-354); and that the rule as proposed does not contain any information collection or recordkeeping requirements as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

The rule is procedural in nature and principally implements the 1982 Amendments to the Endangered Species Act. In so doing, the final rule conforms agency practice to new requirements of the Amendments. Any potential effects of such compliance stem directly from legislation and cannot be evaluated as independent effects of the final rule.

National Environmental Policy Act (NEPA)

An Environmental Assessment (EA) under NEPA has been prepared and is available to the public at the Office of Endangered Species, U.S. Fish and Wildlife Service at the address listed above. Based upon the information considered in the EA, a decision has been made that the preparation of an Environmental Impact Statement is not required for this action.

Author

The principal author of this proposal is Peter G. Poulos, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. (703/235-2760).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

Accordingly, it is proposed to amend Part 17 of Chapter I of Title 50 of the Code of Federal Regulations as set forth below:

PART 17—(AMENDED)

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Part 17 is amended by adding to the table of contents the following new Subpart H:

* * * * *

Subpart H—Experimental Populations

Sec.
17.80 Definitions.
17.81 Listing.
17.82 Prohibitions.
17.83 Interagency cooperation.
17.84 Special rule—vertebrates. [Reserved]
17.85 Special rule—invertebrates. [Reserved]
17.86 Special rules—plants. [Reserved]

3. Part 17 is amended by revising § 17.11(f)(2) to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(f)(1) * * *

(2) The "Special Rules" and "Critical Habitat" columns provide a cross

reference to other sections in Parts 17, 222, 226, or 227. The "Special Rules" column will also be used to cite the special rules that describe experimental populations and determine if they are essential or nonessential. Separate listing will be made for experimental populations, and the status column will include the following symbols: "XE" for an essential experimental population and "XN" for a nonessential experimental population. The term "NA" (not applicable) appearing in either of these two columns indicates that there are no special rules and/or critical habitat for that particular species. However, all other appropriate rules in Parts 17, 217–227, and 402 still apply to that species. In addition, there may be other rules in this Title that relate to such wildlife, e.g., port-of-entry requirements. It is not intended that the references in the "Special Rules" column list all the regulations of the two Services which might apply to the species or to the regulations of other Federal agencies or State or local governments.

* * * * *

4. Part 17 is further amended by revising § 17.12(f)(2) to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(f) * * *

(2) The "Special Rules" and Critical Habitat" columns provide a cross reference to other sections in Parts 17, 222, 226, or 227. The "Special Rules" column will also be used to cite the special rules which describe experimental populations and determine if they are essential or nonessential. Separate listings will be made for experimental populations, and the status column will include the following symbols: "XE" for an essential experimental population and "XN" for a nonessential experimental population. The term "NA" (not applicable) appearing in either of these two columns indicates that there are no special rules and/or critical habitat for that particular species. However, all other appropriate rules in Parts 17, 217–227, and 402 still apply to that species. In addition, there may be other rules in this Title that relate to such plants, e.g., port-of-entry requirements. It is not intended that the references in the "Special Rules" column list all the regulations of the two Services which might apply to the species or to the regulations of other Federal agencies or State or local governments.

5. Part 17 is further amended by adding a new Subpart H as follow:

Subpart H—Experimental Populations

§ 17.80 Definitions.

(a) The term "experimental population" means an introduced and/or designated population (including any off-spring arising solely therefrom) that has been so designated in accordance with the procedures of this subpart but only when, and at such times as the population is wholly separate geographically from nonexperimental populations of the same species. Where part of an experimental population overlaps with natural populations of the same species on a particular occasion, but is wholly separate at other times, specimens of the experimental population will not be recognized as such while in the area of overlap. That is, experimental status will only be recognized outside the areas of overlap. Thus, such a population shall be treated as experimental only when the times of geographic separation are reasonably predictable; *e.g.*, fixed migration patterns, natural or man-made barriers. A population is not treated as experimental if total separation will occur solely as a result of random and unpredictable events.

(b) The term "essential experimental population" means an experimental population whose loss would be likely to appreciably reduce the likelihood of the survival of the species in the wild. All other experimental populations are to be classified as "nonessential."

§ 17.81 Listing.

(a) The Secretary may designate as an experimental population a population of endangered or threatened species that has been or will be released into suitable natural habitat outside the species' current natural range (but within its probable historic range, absent a finding by the Director in the extreme case that the primary habitat of the species has been unsuitably and irreversibly altered or destroyed), subject to the further conditions specified in this section; *provided*, that all designations of experimental populations must proceed by regulation adopted in accordance with 5 U.S.C. 553 and the requirements of this subpart.

(b) Before authorizing the release as an experimental population of any population (including eggs, propagules, or individuals) of an endangered or threatened species, and before authorizing any necessary transportation to conduct the release, the Secretary must find by regulation that such release will further the conservation of the species. In making such a finding the Secretary shall utilize the best scientific and commercial data available to consider:

(1) Any possible adverse effects on extant populations of a species as a result of removal of individuals, eggs, or propagules for introduction elsewhere;

(2) The likelihood that any such experimental population will become established and survive in the foreseeable future;

(3) The relative effects that establishment of an experimental population will have on the recovery of the species; and

(4) The extent to which the introduced population may be affected by existing or anticipated Federal or State actions or private activities within or adjacent to the experimental population area.

The Secretary may issue a permit under section 10(a)(1)(A) of the Act, if appropriate under the standards set out in subsections 10(d) and (j) of the Act, to allow acts necessary for the establishment and maintenance of an experimental population.

(c) Any regulation promulgated under paragraph (a) of this section shall provide:

(1) Appropriate means to identify the experimental population, including, but not limited to, its actual or proposed location, actual or anticipated migration, number of specimens released or to be released, and other criteria appropriate to identify the experimental population(s);

(2) A finding, based solely on the best scientific and commerical data available, and the supporting factual basis, on whether the experimental population is, or is not, essential to the continued existence of the species in the wild;

(3) Management restrictions, protective measures, or other special management concerns of that population, which may include but are not limited to, measures to isolate and/or contain the experimental population designated in the regulation from natural populations; and

(4) A process for periodic review and evaluation of the success or failure of the release and the effect of the release on the conservation and recovery of the species.

(d) The Fish and Wildlife Service shall consult with appropriate State fish and wildlife agencies, local governmental entities, affected Federal agencies, and affected private landowners in developing and implementing experimental population rules. When appropriate, a public meeting will be conducted with interested members of the public. Any regulation promulgated pursuant to this section shall, to the

maximum extent practicable, represent an agreement between the Fish and Wildlife Service, the affected State and Federal agencies and persons holding any interest in land which may be affected by the establishment of an experimental population.

(e) Any population of an endangered species or a threatened species determined by the Secretary to be an experimental population in accordance with this subpart shall be identified by special rule in § 17.84–§ 17.86 as appropriate and separately listed in § 17.11(h) (wildlife) or § 17.12(h) (plants) as appropriate.

(f) The Secretary may designate critical habitat as defined in section (3)(5)(A) of the Act for an essential experimental population as determined pursuant to paragraph (c)(2) of this section. Any designation of critical habitat for an essential experimental population will be made in accordance with section 4 of the Act. No designation of critical habitat will be made for nonessential populations. In those situations where a portion or all of an essential experimental population overlaps with a natural population of the species during certain periods of the year, no critical habitat shall be designated for the area of overlap unless implemented as a revision to critical habitat of the natural population for reasons unrelated to the overlap itself.

§ 17.82 Prohibitions.

Any population determined by the Secretary to be an experimental population shall be treated as if it were listed as a threatened species for purposes of establishing protective regulations under section 4(d) of the Act with respect to such population. The Special rules (protective regulations) adopted for an experimental population under § 17.81 will contain applicable prohibitions, as appropriate, and exceptions for that population.

§ 17.83 Interagency cooperation.

(a) Any experimental population designated for a listed species (1) determined pursuant to § 17.81(c)(2) of this subpart not to be essential to the survival of that species and (2) not occurring within the National Park System or the National Wildlife Refuge System, shall be treated for purposes of section 7 (other than subsection (a)(1) thereof) as a species proposed to be listed under the Act as a threatened species.

(b) Any experimental population designated for a listed species that either (1) has been determined pursuant to § 17.81(c)(2) of this subpart to be essential to the survival of that species, of (2) occurs within the National Park System or the National Wildlife Refuge System as now or hereafter constituted, shall be treated for purposes of section 7 of the Act as a threatened species. Notwithstanding the foregoing, any biological opinion prepared pursuant to section 7(b) of the Act and any agency determination made pursuant to section 7(a) of the Act shall consider any experimental and nonexperimental populations to constitute a single listed species for the purposes of conducting the analyses under such sections.

§ 17.84 Special rules—vertebrates. [Reserved]

§ 17.85 Special rules—invertebrates. [Reserved]

§ 17.86 Special rules—plants. [Reserved]

Dated: July 17, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-22670 Filed 8-24-84; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 49, No. 167
Monday, August 27, 1984

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

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Docket No. R-0520]

Regulation K; International Banking Operations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule: Extension of comment period,.

SUMMARY: The Board of Governonrs of the Federal Reserve System has extended the period for receipt of public comment on proposed rules governing the international operations of U.S. banking organizations, including the operations of Edge Corporations, and on several proposals relating to the U.S. activities of foreign banking organizations.

DATE: Comments must be received by October 12, 1984.

ADDRESS: All comments, which should refer to Docket No. R-0520, should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to the C Street entrance, 20th and Constitution Avenue, NW., Washington, DC between the hours of 8:45 a.m. and 5:15 p.m. weekdays. All comments received will be available for inspection in Room B-1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Kathleen M. O'Day, Senior Counsel (202/452-3786), Legal Division, or James S. Keller, Manager, International Banking Applications (202/452-2523), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: On June 15, 1984 (49 FR 26002), the Board requested comment on a proposed revision of Regulation K governing the international operations and investments of U.S. banking organizations. Comments were invited on several alternatives that would expand the ability of Edge Corporations to provide services in the United States; on several changes relating to the investment, capitalization and lending limits of Subpart A of Regulation K; and on proposals concerning the U.S. operations of foreign banking organizations.

The Board has been requested to extend the comment period on the proposal in order to provide interested parties additional time in which to present their views. In light of the issues presented by the proposal and in order to encourage public paticipation in this matter, the comment period has been extended to October 12, 1984.

By order of the Board of Governors, through its Secretary under delegated authority, August 22, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-22717 Filed 8-24-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-CE-19-AD]

Airworthiness Directives; Cessna 205, 206, P206, U206, TP206, TU206, 207, T207, 210, P210, and T210 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 Cessna 205, 206, P206, U206, TP206, TU206, 207, T207 210, P210, and T210 Series airplanes, which would require modification of the fuel selector valve installation. Loss of fuel selector control and engine fuel starvation has resulted from a rollpin falling out of the fuel selector valve and yoke assembly. The modification will positively retain the roll pin and preclude this occurrence.

DATE: Comments must be received on or before October 15, 1984.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 84-CE-19-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Comments may be inspected at this location between 8:00 a.m. and 4:00 p.m., Monday through Friday.

Cessna, Single Engine Customer Care, Service Information Letter, SE84-5 applicable to this AD may be obtained from Cessna Aircraft Company, Piston Aircraft Marketing Division, P.O. Box 1521, Wichita, Kansas 67201.

FOR FURTHER INFORMATION CONTACT: Paul O. Pendleton, Aerospace Engineer, Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4427.

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. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the proposed rule. 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 the proposed AD will be filed in the Rules Docket.

Discussion

Incidents of the rollpin falling out of the fuel selector valve shaft and yoke resulting in engine fuel starvation have been reported on Cessna 200 series airplanes. It has been demonstrated during ground tests that fuel selector rollpin dislodging is, in fact, possible. The fuel selector must be moved through the "fuel off" position when selecting another fuel tank. Should loss of the roll-pin occur when passing thru the OFF

position or with the valve positioned on an empty tank, fuel starvation will result. Also, wear or deterioration of the fuel valve operating linkage has occurred which is not being detected during normal inspection and/or maintenance of the fuel selector valve installation per the manufacturers recommendations. To reduce the potential for rollpin loss Cessna Aircraft Company has prepared and distributed Service Instructions SE84–5 to advise owners and operators of a modification available to improve fuel selector valve rollpin retention. Since the condition described herein is likely to exist or develop in other airplanes of the same type design, the proposed AD would make compliance with the aforementioned service information letter mandatory on certain Cessna 205, 206, P206, U206, TP206, TU206, 207, T207, 210, P210, and T210 series airplanes.

There are approximately 15,000 airplanes affected by the proposed AD at a cost of $15 per airplane. The total cost of compliance with the proposed AD is estimated to be $225,000 to the private sector. The cost of compliance with the proposed AD is so small that the expense of compliance will not be a significant financial impact on any small entities operating these airplanes. Therefore, I certify that this action is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. 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 provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

The Proposed Amendment

PART 39—[Amended]

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

Cessna: Applies to Models 205, 205A, (S/Ns 205–0001 through 2050577); 206, U206A, U206B, U206C, U206D, U206E, U206F, U206G, TU206A, TU206B, TU206C, TU206D, TU206E, TU206F and TU206G (S/Ns 206–0001 through U20606827); P206, P206A, P206B, P206C, P206D, P206E, TP206A, TP206B, TP206C, TP206D and TP206E (S/Ns P206–0001 through P20600647); 207, 207A, T207, and T207A (S/Ns 2070001 through 20700773); 210G, 210H, 210J, 210K, T210L, 210M, T210M, 210N and T210N (S/Ns 21058819 through 21064535); T210G, T210H, T210J, (S/Ns T210–0198 through T210–0454) and P210N (S/Ns P21000001 through P21000760) certificated in any category.

Compliance: Required within 100 hours time-in-service after the effective date of the AD, unless already accomplished.

To eliminate the possibility of loss of the fuel selector rollpin installation, accomplish the following:

(a) Inspect the fuel selector for free play. If free play exceeds 15 degrees, replace any components that exhibit loose or worn conditions, as necessary, to reduce the free play to this limit.

(b) Safety the fuel selector shaft to yoke rollpin installation by installing safety wire through the rollpin in accordance with Cessna Single Engine Customer Care Service Information Letter SE84–5.

(c) The airplane may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished provided fuel tank selection during flight is not performed.

(d) An equivalent means of compliance with this AD may be used if approved by the Manager, Aircraft Certification Office, Federal Aviation Administration, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

(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 August 16, 1984.

Murray E. Smith,

Director, Central Region.

[FR Doc. 84–22609 Filed 8–24–84; 8:45 am]

BILLING CODE 4910–13–M

PEACE CORPS

22 CFR Part 308

Compliance With Privacy Act of 1974

AGENCY: Peace Corps.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given that the Peace Corps proposes to amend Title 22 of the Code of Federal Regulations (CFR) by adding a new Part 308 which implements the provisions of Sections 2 and 3 of the Privacy Act of 1974 (Pub. L. 93–579) (hereinafter referred to as the "Act").

On December 29, 1981, the Peace Corps was established as an independent agency in accordance with provisons of Pub. L. 97–113, Title VI. Prior to that date the Peace Corps was a part of the ACTION agency. Peace Corps is operating under the ACTION/Peace Corps Privacy Act Regulations issued in CFR 45, Chapter 12, Part 1224 until final Peace Corps regulations are adopted. The Peace Corps is proposing the following regulations, which contain no substantive change, to reflect the status of the Peace Corps as an independent agency.

The proposed regulations establish policies and procedures to assure protection of individual privacy and the accuracy and security of records in accordance with the requirements of the Act. The regulations include provisions for individual access to, correction and/or amendment of such records and the disclosure of information from such records, exemptions from disclosure, exceptions to regulations against disclosure, and standards of conduct for persons in control of records systems.

DATES: Comments must be received on or before October 26, 1984.

ADDRESS: Comments may be mailed or delivered to Robert McClendon, Director, Office of Administrative Services, Peace Corps, 806 Connecticut Avenue, N.W., Room P–314, Washington, D.C. 20526.

FOR FURTHER INFORMATION CONTACT: John Von Reyn, Privacy Act Officer, Office of Administrative Services, 202–254–6180, or Robert Martin, Associate General Counsel, 202–254–7966 or Desk Officer Francine Picoult, Office of Management and Budget, Washington, D.C. 20503.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Peace Corps has determined that this rule is not a major rule for the purpose of E.O. 12291 because it is not likely to result in an annual effect on the economy of $100 million or more.

Paperwork Reduction Act

This rule imposes no obligatory information requirements on the public.

Regulatory Flexibility Act of 1980

The Director certifies that this rule, if adopted, will not have a significant impact on a substantial number of small entities.

List of Subjects in 22 CFR Part 308

Privacy, Administrative practice and procedure, Information.

Accordingly, Title 22, Code of Federal Regulations, is proposed to be amended by establishing a new Part 308 as follows:

PART 308—IMPLEMENTATION OF THE PRIVACY ACT OF 1947

Authority: 5 U.S.C. 552a.

§ 308.1 Purpose

The purpose of this part is to set forth the basic policies of the Peace Corps governing the maintenance of systems of records containing personal information as defined in the Privacy Act of 1974 (5 USC 552a). Records included in this part are those described in the aforesaid Act and maintained by the Peace Corps and/or any component thereof.

§ 308.2 Policy.

It is the policy of the Peace Corps to protect, preserve and defend the right of privacy of any individual as to whom the agency maintains personal information in any records system and to provide appropriate and complete access to such records including adequate opportunity to correct any errors in said records. It is further the policy of the agency to maintain its records in such a fashion that the information contained therein is and remains material and relevant to the purposes for which it is collected in order to maintain its records with fairness to the individuals who are the subject of such records.

§ 308.3 Definitions.

(a) "Record" means any document, collection,or grouping of information about an individual maintained by the agency, including but not limited to information regarding education, financial transactions, medical history, criminal or employment history, or any other personal information which contains the name or personal identification number, symbol, photograph, or other identifying particular assigned to such individual, such as a finger or voiceprint.

(b) "System of Records" means a group of any records under the control of the agency from which information is retrieved by use of the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(c) "Routine Use" means, with respect to the disclosure of a record the use of such record for a purpose which is compatible with the purpose for which it was collected.

(d) The term "agency" means the Peace Corps or any component thereof.

(e) The term "individual" means any citizen of the United States or an alien lawfully admitted to permanent residence.

(f) The term "maintain" includes the maintenance, collection, use or dissemination of any record.

(g) The term "Act" means the Privacy Act of 1974 (5 U.S.C. 552a) as amended from time to time.

§ 308.4 Disclosure of records.

The agency will not disclose any personal information from systems of records it maintains to any individual other than the individual to whom the record pertains, or to another agency, without the express written consent of the individual to whom the record pertains, or his or her agent or attorney, except in the following instances:

(a) To officers or employees of the Peace Corps having a need for such record in the official performance of their duties.

(b) When required under the provisions of the Freedom of Information Act (5 U.S.C. 552).

(c) For routine uses as published in the **Federal Register.**

(d) To the Bureau of the Census for uses pursuant to Title 13.

(e) To an individual or agency having a proper need for such record for statistical research provided that such record is transmitted in a form which is not individually identifiable and that an appropriate written statement is obtained from the person to whom the record is transmitted stating the purpose for the request and a certification under oath that the records will be used only for statistical purposes.

(f) To the National Archives of the United States as a record of historical value under rules and regulations of the Archives or to the Administrator of General Services or his designee to determine if it has such value.

(g) To an agency or instrumentality of any governmental jurisdiction within the control of the United States for civil or criminal law enforcement activities, if the activity is authorized by law, and the head of any such agency or instrumentality has made a written request for such records specifying the particular portion desired and the law enforcement activity for which the record is sought. Such a record may also be disclosed by the agency to the law enforcement agency on its own initiative in situations in which criminal conduct is suspected, provided that such disclosure has been established as a routine use or in situations in which the misconduct is directly related to the purpose for which the record is maintained.

(h) In emergency situations upon a showing of compelling circumstances affecting the health or safety of any individual provided that after such disclosure, notification of such disclosure must be promptly sent to the last known address of the individual to whom the record pertains.

(i) To either House of Congress or to a subcommittee or committee (joint or of either house) to the extent the subject matter falls within their jurisdiction.

(j) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office.

(k) Pursuant to an order by the presiding judge of a court of competent jurisdiction. It any record in disclosed under such compulsory legal process and subsequently made public by the court which issued it, the agency must make a reasonable effort to notify the individual to whom the record pertains of such disclosure.

(l) To consumer reporting agencies as defined in 31 U.S.C. 3701(a)(3) in accordance with 31 U.S.C. 3711, and under contracts for collection services as authorized in 31 U.S.C. 3718.

§ 308.5 New uses of information.

The agency shall publish in the **Federal Register** a notice of its intention to establish a new or revised routine use of any system of records maintained by it with an opportunity for public comments on such use. Such notice shall contain the following:

(a) The name of the system of records for which the new or revised routine use is to be established.

(b) The authority for maintaining the system of records.

(c) The categories of records maintained in the system.

(d) The purpose for which the record is to be maintained.

(e) The proposed routine use(s).

(f) The purpose of the routine use(s).

(g) The categories of recipients of such use.

In the event of any request for an addition to the routine uses of the systems which the agency maintains, such request may be sent to the following officer: Director, Office of Administrative Services, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

§ 308.6 Reports regarding changes in systems.

The agency shall provide to Congress and the Office of Management and Budget advance notice of any proposal to establish or alter any system of records as defined herein. This report will be submitted in accord with guidelines provided by the Office of Management and Budget.

§ 308.7 Use of social security account number in records systems. [Reserved]

§ 308.8 Rules of conduct.

(a) The Head of the agency shall assure that all persons involved in the design, development, operation or maintenance of any systems of records as defined herein are informed of all requirements necessary to protect the privacy of individuals who are the subject of such records. All employees shall be informed of all implications of the Act in this area including the criminal penalties provided under the Act, and the fact the agency may be subject to civil suit for failure to comply with the provisions of the Privacy Act and these regulations.

(b) The Head of the agency shall also ensure that all personnel having access to records receive adequate training in the protection of the security of personal records and that adequate and proper storage is provided for all such records with sufficient security to assure the privacy of such records.

§ 308.9 Records systems—management and control.

(a) The Director, Office of Administrative Services, shall have overall control and supervision of the security of all records keeping systems and shall be responsible for monitoring the security standards set forth in these regulations.

(b) A designated official (System Manager) shall be named who shall have management responsibility for each record system maintained by the agency and who shall be responsible for providing protection and accountability for such records at all times and for insuring that such records are secured in appropriate containers whenever not in use or in the direct control of authorized personnel.

§ 308.10 Security of records systems—manual and automated.

The Head of the agency has the responsibility of maintaining adequate technical, physical, and security safeguards to prevent unauthorized disclosure or destruction of manual and automatic record systems. These security safeguards shall apply to all systems in which identifiable personal data are processed or maintained including all reports and outputs from such systems which contain identifiable personal information. Such safeguards must be sufficient to prevent negligent, accidental, or unintentional disclosure, modification or destruction of any personal records or data and must futhermore minimize the extent technicians or knowledgeable persons could improperly obtain access to modify or destroy such records or data and shall further insure against such casual entry by unskilled persons without official reasons for access to such records or data.

(a) *Manual systems.* (1) Records contained in records systems as defined herein may be used, held or stored only where facilities are adequate to prevent unauthorized access by persons within or without the agency.

(2) All records systems when not under the personal control of the employees authorized to use same must be stored in an appropriate metal filing cabinet. Where appropriate, such cabinet shall have a three position dial-type combination lock, and/or be equipped with a steel lock bar secured by a GSA approved changeable combination padlock or in some such other securely locked cabinet as may be approved by GSA for the storage of such records. Certain systems are not of such confidential nature that their disclosure would harm an individual who is the subject of such record. Records in this category shall be maintained in steel cabinets without the necessity of combination locks.

(3) Access to and use of systems of records shall be permitted only to persons whose official duties require such access within the agency, for routine uses as defined in § 308.4 and in the Peace Corps' published systems of records notices, or for such other uses as may be provided herein.

(4) Other than for access within the agency to persons needing such records in the performance of their official duties or routine uses as defined herein and in the Peace Corps' systems of records notices or such other uses as provided herein, access to records within systems of records shall be permitted only to the individual to whom the record pertains or upon his or her written request to a designated personal representative.

(5) Access to areas where records systems are stored will be limited to those persons whose official duties require work in such areas and proper accounting of removal of any records from storage areas shall be maintained at all times in the form directed by the Director, Administrative Services.

(6) The agency shall assure that all persons whose official duties require access to and use of records contained in records systems are adequately trained to protect the security and privacy of such records.

(7) The disposal and destruction of records within records systems shall be in accord with rules promulgated by the General Services Adminstration.

(b) *Automated systems.* (1) Identifiable personal information may be processed, stored or maintained by automatic data systems only where facilities or conditions are adequate to prevent unauthorized access to such systems in any form. Whenever such data contained in punch cards, magnetic tapes or discs are not under the personal control of an authorized person such information must be stored in a metal filing cabinet having a built-in three position combination lock, a metal filing cabinet equipped with a steel lock, a metal filing cabinet equipped with a steel lock bar secured with a General Services Administration (GSA) approved combination padlock, or in adequate containers or in a secured room or in such other facility having greater safeguards than those provided for herein.

(2) Access to and use of identifiable personal data associated with automated data systems shall be limited to those persons whose official duties require such access. Proper control of personal data in any form associated with automated data systems shall be maintained at all times including maintenance of accountability records showing disposition of input and output documents.

(3) All persons whose official duties requires access to processing and maintenance of identifiable personal data and automated systems shall be adequately trained in the security and privacy of personal data.

(4) The disposal and disposition of identifiable personal data and automated systems shall be carried on by shredding, burning or in the case of tapes of discs, degaussing, in accord with any regulations now or hereafter proposed by the GSA or other appropriate authority.

§ 308.11 Accounting for disclosure of records.

Each office maintaining a system of records shall keep a written account of routine disclosures (see paragraphs (a) through (e) below) for all records within such system in the form prescribed by the Director, Office of Administrative Services. Disclosures made to employees of the agency in the normal course of their official duties or pursuant to the provisions of the Freedom of Information Act need not be accounted for.

Such written account shall contain the following:

(a) The date, nature, and purpose of each disclosure of a record to any person or to another agency.

(b) The name and address of the person or agency to whom the disclosure was made.

(c) Sufficient information to permit the construction of a listing of all disclosures at appropriate periodic intervals.

(d) The justification or basis upon which any release was made including any written documentation required when records are released for statistical or law enforcement purposes under the provisions of subsection (b) of the Act.

(e) For the purpose of this part, the system of accounting for disclosures is not a system of records under the definitions hereof and no accounting need be maintained for the disclosure of accounting of disclosures.

§ 308.12 Contents of records systems.

(a) The agency shall maintain in any records contained in any records system hereunder only such information about an individual as is accurate, relevant, and necessary to accomplish the purpose for which the agency acquired the information as authorized by statute or Executive Order.

(b) In situations in which the information may result in adverse determinations about such individuals' rights, benefits and privileges under any Federal program, all information placed in records systems shall, to the greatest extent practicable, be collected from the individual to whom the record pertains.

(c) Each form or other document which an individual is expected to complete in order to provide information for any records system shall have appended thereto, or in the body of the document:

(1) An indication of the authority authorizing the solicitation of the information and whether the provision of the information is mandatory or voluntary.

(2) The purpose or purposes for which the information is intended to be used.

(3) The routine uses which may be made of the information and published pursuant to § 308.5 of this part.

(4) The effect on the individual, if any, of not providing all or part of the required or requested information.

(d) Records maintained in any system of records used by the agency to make any determination about any individual shall be maintained with such accuracy, relevancy, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the making of any determination about such individual, provided however, that the agency shall not be required to update or keep current retired records.

(e) Before disseminating any record about an individual to any person other than an agency as defned in 5 U.S.C. 552(e) or pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), the agency shall make reasonable efforts to assure that such records are accurate, complete, timely and relevant for agency purposes.

(f) Under no circumstances shall the agency maintain any record about an individual with respect to or describing how such individual exercises rights guaranteed by the first amendment of the Constitution of the United States unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(g) In the event any record is disclosed as a result of the order of a presiding judge of a court of competent jurisdiction, the agency shall make reasonable efforts to notify the individual whose record was so disclosed after the process becomes a matter of public record.

§ 308.13 Access to records.

(a) The Director, Administrator Services, shall keep a current list of systems of records maintained by the agency and published in accordance with the provisions of these regulations.

(b) Individuals requesting access to any record the agency maintains about him or her in a system of records shall be provided access to such records. Such requests shall be submitted in writing by mail, or in person during regular business hours, to the System Managers identified in the specific system notices. Systems maintained at overseas and domestic field offices may be addressed to the Country Director or Regional Service Center Manager. If assistance is needed, the Director, Office of Administrative Services, will provide agency addresses.

(c) Requests for records from more than one system of records shall be directed to the Director, Office of Administrative Services, Peace Corps, 806 Connecticut Avenue, NW., Washington, D.C. 20526.

(d) Requests for access to or copies of records should contain, at a minimum, identifying information needed to locate any given record and a brief description of the item or items of information required. If the individual wishes access to specific documents the request should identify or describe as nearly as possible such documents.

(e) A record may be disclosed to a representative of the person to whom a record relates, who is authorized in writing to have access to the record by the person to whom it relates.

(f) A request made in person will be promptly complied with if the records sought are in the immediate custody of the Peace Corps. Mailed or personal request for documents in storage which must be compiled from more than one location, or which are otherwise not immediately available, will be acknowledged within ten working days, and the records requested will be provided as promptly thereafter as possible.

(g) Medical or psychological records shall be disclosed to an individual unless in the judgment of the agency, access to such records might have an adverse effect upon such individual. When such determination has been made, the agency may require that the information be disclosed only to a physician chosen by the requesting individual. Such physician shall have full authority to disclose all or any portion of such record to the requesting individual in the exercise of his or her professional judgment.

§ 308.14 Specific exemptions.

Records or portions of records in certain records systems specified below shall be exempt from disclosure, *provided, however,* that no such exemption shall apply to the provisions of § 308.12(a) (maintaining records with accuracy, completeness, etc. as reasonably necessary for agency purposes); § 308.12(b) (collecting information directly from the individual to whom it pertains); § 308.12(c) (informing individuals asked to supply information of the purposes for which it is collected and whether it is mandatory); § 308.12(g) (notifying the subjects of records disclosed under compulsory court process); § 308.16(d)(3) hereof (informing prior recipient of corrected or disputed records); § 308.16(g) (civil remedies). With above exceptions the following material shall

be exempt from disclosure to the extent indicated:

(a) Material in any system of records considered classified and exempt from disclosure under the provisions of section 552(b)(1) of the Freedom of Information Act. Agency systems of records now containing such material are: Legal Files—Staff, Volunteers and Applicants' Security Records—Peace Corps Staff/Volunteers and ACTION Staff.

(b) Investigatory material compiled for the purposes of law enforcement, *provided, however,* that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual except to the extent necessary to protect the identity of a source who furnished information to the government under an express promise that his or her identity would be held in confidence, or prior to the effective date of the Privacy Act of 1974, under an implied promise of such confidentiality of the identity of such source. Agency systems of records containing such investigatory material are: Discrimination Complaint Files; Employee Occupational Injury and Illness Reports; Legal Files—Staff, Volunteers and Applicants; Security Records—Peace Corps Staff/Volunteers and ACTION Staff.

(c) Investigatory material compiled solely for the purpose of determining suitability, eligibility or qualification for service as an employee of volunteer or for the obtaining of a Federal contract or for access to classified information; *provided, however,* that such material shall be disclosed to the extent possible without revealing the identity of a source who furnish information to the government under an express promise of the confidentiality of his or her identity or, prior to the effective date of the Privacy Act of 1974, under an implied promise of such confidentiality of identity. Agency systems of records containing such material are: Contractors and Consultant Files; Discrimination Complaint Files; Legal Files—Staff, Volunteer and Applicants; Personal Service Contract Records; Security Records—Peace Corps Staff/Volunteers and ACTION Staff; Staff Applicant and Personnel Records; Talent Bank; Volunteer Applicant and Service Record Systems.

§ 308.15 Identification of requesters.

The agency shall require reasonable identification of all individuals who request access to records to assure that records are not disclosed to persons not entitled to such access.

(a) In the event an individual requests disclosure in person, such individual shall be required to show an identification card such as a driver's license, etc., containing a photo and a sample signature of such individual. Such individual may also be required to sign a statement under oath as to his or her identity acknowledging that he or she is aware of the penalties for improper disclosure under the provisions of the Privacy Act of 1974.

(b) In the event that disclosure is requested by mail, the agency may request such information as may be necessary to reasonably assure that the individual making such request is properly identified. In certain cases, the agency may require that a mail request be notarized with an indication that the notary received an acknowledgment of identity from the individual making such request.

(c) In the event an individual is unable to provide suitable documentation or identification, the agency may require a signed notarized statement asserting the identity of the individual and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to $5,000.

(d) In the event a requester wishes to be accompanied by another person while reviewing his or her records, the agency may require a written statement authorizing discussion of his or her records in the presence of the accompanying representative or other persons.

§ 308.16 Amendment of records and appeals with respect thereto.

(a) In the event an individual desires to request an amendment of his or her record, he or she may do so by submitting such written request to the Director, Administrative Services, Peace Corps, 806 Connecticut Avenue, NW., Washington, D.C. 20526. The Director, Administrative Services, shall provide assistance in preparing any amendment upon request and a written acknowledgment of receipt of such request within 10 working days after the receipt thereof from the individual who requested the amendment. Such acknowledgment may, if necessary, request any additional information needed to make a determination with respect to such request. If the agency decides to comply with the request within the 10 day period, no written acknowledgment is necessary, *provided however,* that a certification of the change shall be provided to such individual within such period.

(b) Promptly after acknowledgment of the receipt of a request for an amendment the agency shall take one of the following actions:

(1) Make any corrections of any portion of the record which the individual believes is not accurate, relevant, timely or complete.

(2) Inform the individual of its refusal to amend the record in accord with the request together with the reason for such refusal and the procedures established for requesting review of such refusal by the head of the agency or his or her designee. Such notice shall include the name and business address of the reviewing official.

(3) Refer the request to the agency that has control of and maintains the record in those instances where the record requested remains the property of the controlling agency and not of the Peace Corps.

(c) In reviewing a request to amend the record the agency shall assess the accuracy, relevance, timeliness and completeness of the record with due and appropriate regard for fairness to the individual about whom the record is maintained. In making such determination, the agency shall consult criteria for determining record quality published in pertinent chapters of the *Federal Personnel Manual* and to the extent possible shall accord therewith.

(d) In the event the agency agrees with the individual's request to amend such record it shall:

(1) Advise the individual in writing,

(2) Correct the record accordingly, and

(3) Advise all previous recipients of a record which was corrected of the correction and its substance.

(e) In the event the agency, after an initial review of the request to amend a record, disagrees with all or a portion of it, the agency shall:

(1) Advise the individual of its refusal and the reasons therefore,

(2) Inform the individual that he or she may request further review in accord with the provisions of these regulations, and

(3) The name and address of the person to whom the request should be directed.

(f) In the event an individual requester disagrees with the initial agency determination, he or she may appeal such determination to the Director of the Peace Corps or his or her designee. Such request for review must be made within 30 days after receipt by the requester of the initial refusal to amend.

(g) If after review the Director or designee refuses to amend the record as

requested he or she shall advise the individual requester of such refusal and the reasons for same; of his or her right to file a concise statement in the record of the reasons for disagreeing with the decision of the agency; of the procedures for filing a statement of disagreement and of the fact that such statement so filed will be made available to anyone to whom the record is subsequently disclosed together with a brief statement of the agency summarizing its reasons for refusal, if the agency decides to place such brief statement in the record. The agency shall have the authority to limit the length of any statement to be filed, such limit to depend upon the record involved. The agency shall also inform such individual that prior recipients of the disputed record will be provided a copy of both statements of the dispute to the extent that the accounting of disclosures has been maintained and of the individual's right to seek judicial review of the agency's refusal to amend the record.

(h) If after review the official determines that the record should be amended in accordance with the individual's request, the agency shall proceed as provided above in the event a request is granted upon initial demand.

(i) Final agency determination of an individual's request for a review shall be concluded within 30 working days from the date of receipt of the review request, *provided however*, that the Director or designee may determine that fair and equitable review cannot be made within that time. if such circumstances occur, the individual shall be notified in writing of the additional time required and of the approximate date on which determination of the review is expected to be completed.

§ 308.17 Denial of access and appeals with respect thereto.

In the event that the agency finds it necessary to deny any individual access to a record about such individual pursuant to provisions of the Privacy Act or of these regulations, a response to the original request shall be made in writing within ten working days after the date of such initial request. The denial shall specify the reasons for such refusal or denial and advise the individual of the reasons therefore, and of his or her right to an appeal within the agency and/or judicial review under the provisions of the Act.

(a) In the event an individual desires to appeal any denial of access, he or she may do so in writing by addressing such appeal to the attention of the Director, Peace Corps, or designee identified in such denial. Such appeal should be addressed to Director, Peace Corps, c/o Office of Administrative Services, Room P-314, 806 Connecticut Avenue, NW., Washington, D.C. 20526.

(b) The Director, or designee, shall review a request from a denial of access and shall make a determination with respect to such appeal within 30 days after receipt thereof. Notice of such determination shall be provided to the individual making the request in writing. If such appeal is denied in whole or in part, such notice shall include notification of the right of the person making such request to have judicial review of the denial as provided in the Act.

§ 308.18 Fees.

No fees shall be charged for search time or for any other time expended by the agency to produce a record. Copies of records may be charged for at the rate of 10 cents per page provided that one copy of any record shall be provided free of charge.

This notice is issued in Washington, D.C. on August 17, 1984.

Loret Miller Ruppe,

Director, Peace Corps.

[FR Doc. 84-22614 Filed 8-24-84; 8:45 am]

BILLING CODE 6051-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 177

San Carlos Indian Irrigation Project, AZ; Revision of Power Rates

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Bureau of Indian Affairs is withdrawing a proposed rule published in the Thursday, July 19, 1984, issue of the **Federal Register** (49 FR 29244).

The proposed rule did not receive the proper administrative clearance required by Executive Order 12291 and the Department of the Interior guidelines. The proposed rule addressed the revision of the power rates at the San Carlos Indian Irrigation Project, Arizona.

EFFECTIVE DATE: August 27, 1984.

FOR FURTHER INFORMATION CONTACT: Mort S. Dreamer, Civil Engineer, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone number (202) 343-3960.

John W. Fritz,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 84-22724 Filed 8-24-84; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 540, 544, 550 and 570

Control, Custody, Care, Treatment, and Instruction of Inmates

Correction

In FR Doc. 84-21966 beginning on page 32995 in the issue of Friday, August 17, 1984, make the following correction:

On that page, column two, last paragraph, line 27 should read: "inserted in the other sections of the rule which refer to the special mail marking. To allow for accurate identification of"

BILLING CODE 1505-01-M

POSTAL SERVICE

39 CFR Part 10

Proposed International Express Mail Service To New Zealand

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: Pursuant to an agreement with the postal administration of New Zealand, the Postal Service proposes to begin International Express Mail Service with New Zealand at postage rates indicated in the table below. The proposed service is scheduled to begin on October 29, 1984.

DATE: Comments must be received on or before September 24, 1984.

FOR FURTHER INFORMATION CONTACT: Leon W. Perlinn, (202) 245-4414.

ADDRESS: Written comments should be directed to the General Manager, Rate Development Division, Office of Rates, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260-5350. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in room 8620, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260-5350.

SUPPLEMENTARY INFORMATION: The International Mail Manual is incorporated by reference in the **Federal Register**, 39 CFR 10.1. Additions to the manual concerning the proposed new service, including the rate table

reproduced below, will be made in due course. Accordingly, although 39 U.S.C. 407 does not require advance notice and the opportunity for submission of comments on international service, and the provisions of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553) do not apply (39 U.S.C. 410 (a)), the Postal Service invites interested persons to submit written data, views or arguments concerning the proposed International Express Mail Service to New Zealand at the rates indicated in the table below.

List of Subjects in 39 CFR Part 10

Postal Service, Foreign relations.

NEW ZEALAND INTERNATIONAL EXPRESS MAIL

Custom designed service [1] [2]		On demand service [3]	
Weight not over (pounds)	Rate	Weight not over (pounds)	Rate
1	$29.00	1	$21.00
2	33.50	2	25.50
3	38.00	3	30.00
4	42.50	4	34.50
5	47.00	5	39.00
6	51.50	6	43.50
7	56.00	7	48.00
8	60.50	8	52.50
9	65.00	9	57.00
10	69.50	10	61.50
11	74.00	11	66.00
12	78.50	12	70.50
13	83.00	13	75.00
14	87.50	14	79.50
15	92.00	15	84.00
16	96.50	16	88.50
17	101.00	17	93.00
18	105.50	18	97.50
19	110.00	19	102.00
20	114.50	20	106.50
21	119.00	21	111.00
22	123.50	22	115.50

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only pickup charge.

An appropriate amendment to 39 CFR 10.3 to reflect these changes will be published when the final rule is adopted. (39 U.S.C. 401, 404, 407)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84-22671 Filed 8-24-84; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2660-3]

Approval and Promulgation of Implementation Plans; Ohio and Kentucky

AGENCY: Environmental Protection Agency.

ACTION: Notice announcing extension of public comment period.

SUMMARY: On July 25, 1984 (49 FR 29973), the USEPA proposed to disapprove the Ohio/Kentucky ozone attainment demonstration for the Cleveland and Cincinnati urban areas.

A 30-day comment period was provided which was scheduled to end on August 24, 1984. USEPA received several requests to extend the comment period. Because of the complexity of this rulemaking action, USEPA is granting an additional 30-day period for the public to submit comments.

DATE: Comments must be received on or before September 24, 1984.

ADDRESS: Comments should be submitted to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch, Region V, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, (312) 886-6088.

Dated: August 16, 1984.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 84-22665 Filed 8-24-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[EPA Docket No. AM603PA; A-3-FRL-2657-8]

Proposed Approval of Revisions to the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: This Notice announces receipt of supplemental information submitted by the Commonwealth of Pennsylvania relative to its State Implementation Plan for ozone and carbon monoxide. The need for this information was identified by the Environmental Protection agency (EPA) in its February 3, 1983 (48 FR 5096) **Federal Register** proposal on the 1982 Pennsylvania ozone and carbon monoxide SIP.

On June 13, 1983, the Governor of Pennsylvania officially notified EPA that the State Legislature had passed, and he had signed, legislation requiring the implementation of a motor vehicle emission inspection and maintenance program. On October 24, 1983, the Secretary of the Pennsylvania Department of Environmental Resources submitted evidence of appropriate public hearings, an I/M implementation schedule, programs and schedules relating to control measures for non-Control Technique Guideline (CTG) sources, and a schedule for the adoption of regulations based on any Round III CTG documents issued by EPA.

EPA is today proposing approval in part, of the supplemental material submitted on October 24, 1984.

DATE: Comments must be submitted on or before September 26, 1984.

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

U.S. Environmental Protection Agency, Air Mangement Division, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, ATTN: Ms. Eileen M. Glen

Pennsylvania Department of Environmental Resources, Bureau of Air Quality and Noise Control, Fulton Bank Buliding, 200 N. 3rd Street, Harrisburg, PA 17120, ATTN: Mr. Gary Triplett

All comments on the proposed revision submitted within 30 days of publication of this Notice will be considered and should be addressed to Mr. Glenn Hanson, Chief PA/WVA Section at the EPA Region III address. Please reference the EPA Docket Number found in the heading of this Notice in any correspondence or inquiry.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen, Pennsylvania Air Program Manager, at the EPA Region III address or telephone (215) 597-8379.

SUPPLEMENTARY INFORMATION: In response to provisions of the 1977 Amendments to the Clean Air Act, the Commonwealth of Pennsylvania submitted to EPA several revisions to its SIP for ozone and carbon monoxide. EPA approved some of these revisions on May 20, 1980. However, because the Commonwealth requested and received an extension to December 31, 1987 for the attainment of the ozone standard in the Philadelphia, Pittsburgh, and Allentown-Bethlehem-Easton areas and until June 30, 1983 in Philadelphia and until December 31, 1985 in Pittsburgh for the attainment of the carbon monoxide standard, the Commonwealth was required to submit another SIP revision by July 1, 1982.

The Commonwealth submitted the required revisions to its ozone and carbon monoxide SIP on June 30, 1982. Based on EPA's review of that material, on February 3, 1983 (48 FR 5096), EPA proposed approval of some portions of the plan and proposed disapproval.

unless the noted deficiencies were corrected, of others.

On October 24, 1983, the Commonwealth submitted a SIP revision which corrects the deficiencies noted in the February 3, 1983, **Federal Register** proposal. It is this submittal which is the subject of today's notice.

This notice is divided into five main sections:

A. General Issues
B. Southeastern Pennsylvania AQCR
C. Southwestern Pennsylvania AQCR
D. Allentown-Bethlehem-Easton Area
E. Conclusion

A. General Issues

The February 3, 1983 **Federal Register** notice proposed disapproval of the public hearing portions of the SIP for all three areas. The Commonwealth's draft submittal of October 24, 1983 contains evidence of adequate public notice and hearings for all three areas. The material appears to correct the previously noted deficiency and EPA now proposes to approve this portion of the SIP.

The motor vehicle inspection and maintenance (I/M) portion of the SIP for all three areas was also proposed for disapproval because enabling legislation had not yet been adopted. On June 13, 1983, the Governor of Pennsylvania notified EPA that the Legislature had passed and he had signed appropriate I/M legislation (Senate Bill No. 1). He further stated that the I/M program would be implemented in accordance with the schedule recently approved for the Philadelphia and Pittsburgh areas by the United States District Court for the Eastern District of Pennsylvania. This schedule, which requires implementation of an I/M program by June 1, 1984, is being adopted as part of the Commonwealth's ozone (O_3) and carbon monoxide (CO) SIP for all three areas and is included in the submittal now under discussion today.

Although the enactment of I/M Legislation rectifies a major deficiency in the Pennsylvania SIP, EPA is not proposing to approve the implementation schedule at this time. Because of the initial delay in adopting enabling legislation, the final implementation date of June 1, 1984 extends well beyond the December 31, 1982 deadline established by EPA policy. See the July 17, 1978 memorandum on "Inspection/ Maintenance Policy" from Assistant Adminstrator David Hawkins to the Regional Administrators.

On August 3, 1983, EPA published a proposed rulemaking at 48 FR 35312 relating to the proposed restriction on Federal funding and a construction moratorium in ten States because they failed to implement I/M programs. Because of the recent passage of I/M legislation in Pennsylvania, EPA reopened the public comment period on the proposed action. More detailed information on the Pennsylvania situation appears at 48 FR 35323, August 3, 1983.

Furthermore, although EPA, DER and the Pennsylvania Department of Transportation (PennDOT) are signatories to a Consent Decree entered in the U.S. District Court of Appeals which requires the implementation of a specific I/M program on or before June 1, 1984, this Consent Decree does not eliminate the requirement for a SIP-approved I/M program. Therefore, until PennDOT submits the regulations it has adopted to implement the I/M program to DER and DER holds the public hearings required by 40 CFR 51.4, EPA cannot approve the I/M portion of the SIP.

B. Southeastern Pennsylvania AQCR

In addition to the General Issues addressed above, the February 3, 1983 **Federal Register** notice proposed disapproval of the following portions of the O_3 and CO SIP for Southeastern Pennsylvania (hereinafter referred to as the Philadelphia area):

1. Demonstration of Attainment
2. Reasonable Further Progress
3. Stationary Source Controls

Demonstration of Attainment

The proposed SIP revision now before EPA addresses the previously noted deficiency in that the Commonwealth acknowledges that the original EKMA modeling shows that a 44% reduction in volatile organic compound (VOC) emissions is needed to attain the standard while the existing regulations would achieve only a 38.5% reduction in such emissions. The Commonwealth further discusses the need for an additional EKMA modeling analysis, using the supposedly more accurate Carbon Bond III mechanism, to determine the reduction really necessary to attain the O_3 standard. Although EPA supports and is continuing to work with the Pennsylvania Department of Environmental Resources (DER) and the other agencies involved in the reanalysis of the ozone modeling, such pending reanalysis does not negate the existing analysis and the need for 44% reduction in VOC emissions. Therefore, any proposed revision to the SIP must contain a commitment to meet the required 44% VOC emissions reduction. In his letter dated July 26, 1983, the Secretary of Pennsylvania DER reaffirmed the Commonwealth's commitment to this reduction and stated that the final SIP revision would explicitly include such a commitment. The proposed SIP revision not only specifically commits to achieve the full 44% reduction but it also lists several extraordinary emission reduction measures which will be used to eliminate the 5.5% shortfall and provides a schedule by which these measures will be evaluated and the appropriate ones adopted, by March 15, 1985.

EPA believes the Demonstration of Attainment portion of the Philadelphia plan is now acceptable and proposes to approve it.

Reasonable Further Progress

Although the reasonable further progress (RFP) curve included in the October 24, 1983 submittal demonstrates attainment of the ozone standard by December 31, 1987, the projected emission levels will exceed those that would be achieved on a linear reduction from 1982 through 1987. EPA's policy has been that reductions must be at least equivalent to a linear reduction for each year prior to attainment. In light of the delayed implementation of the I/M program and the adoption of the extraordinary control measures by March 15, 1985, it is not unreasonable to expect a slightly less than linear reduction in VOC emissions from 1982 through 1987.

The proposed RFP curve does not conform to existing EPA policy. EPA has determined that the maximum deviation from the RFP line would occur in 1985 and would be approximately 15,000 kg/ day or about 4 percent of the 1985 projected emission level. In view of the demonstration of attainment based upon the control measures proposed in the SIP, EPA does not believe it represents a significant deficiency in the overall SIP assuming these further emission reduction commitments are met. Therefore, EPA is proposing approval of the RFP curve. However, we will solicit public comments on this issue and a final decision to approve or disapprove this portion of the Philadelphia SIP will not be made until any relevant comments have been fully reviewed and evaluated.

1. CTG Regulations

The February 3, 1983 **Federal Register** notice (48 FR 5096) stated that this section of the SIP was acceptable. However, the proposed revisions now before EPA contain a revised schedule for the adoption of the pending Round III Control Technique Guidelines (CTG's) that would allow the Commonwealth up to twenty months to review and adopt appropriate CTG's.

On April 4, 1979, 44 FR 20372, 20376, EPA published a proposed rulemaking requiring that States adopt a CTG within twelve months after the January following publication of the CTG by EPA. This policy allowed states thirteen to twenty-four months, depending on the EPA publication date, to complete their regulatory adoption process and submit the regulation to EPA as a SIP revision. Pennsylvania, like most states, committed to meeting this schedule in their 1979 Part D nonattainment SIP's. Now, however, this schedule may not always be realistic in light of the many states which have adopted legislative overview requirements. During the 1981–1982 legislative season, the Pennsylvania General Assembly passed such a legislative overview requirement. It now can take up to two years for Pennsylvania Department of Environmental Resources to administratively process a regulatory revision.

Because of this extremely time consuming process, Pennsylvania cannot commit to meeting EPA's CTG adoption schedule in its 1982 Part D SIP. Instead, they have proposed a straight twenty months from EPA publication to State adoption.

As mentioned earlier, the CTG adoption schedule is included in the approval status of Part 52 for most States and it would take a major rulemaking action to void these requirements nationally. However, EPA believes that it can apply some discretion in approving State schedules. Pennsylvania's commitment to adopt RACT requirements for Group III sources within 20 months is within the 13- to 24-month schedule (depending upon CTG publication date) required by the Part 52 regulations and is consistent with the intent of the agency in issuing these regulations. Therefore, EPA is proposing to approve this portion of the SIP.

2. Regulations for 100 TPY Sources

The proposed plan includes a schedule for adoption of regulations for greater than 100 TPY sources and makes a firm commitment to adopt, implement and submit the appropriate regulations to EPA as SIP revisions. EPA proposed to approve this schedule.

Carbon Monoxide Attainment Date—The Commonwealth has requested an extension of the CO attainment date from June 30, 1983 to December 31, 1987. The need for this extension results from the delayed implementation of the I/M program.

EPA has no objections to such an extension and proposes to approve it.

C. Southwestern Pennsylvania AQCR

In addition to the public hearing and I/M issues addressed above, the February 3, 1983 **Federal Register** notice proposed disapproval for the following sections of the Pittsburgh Plan:

Stationary Source Controls

Stationary Source Controls—the proposed submittal for the Pittsburgh area also addresses two aspects of stationary source control measures.

1. CTG Regulations

Our earlier comments (see discussion under Philadelphia plan) regarding the CTG adoption schedule also apply to the schedule proposed for inclusion in the Pittsburgh plan.

2. Regulations for 100 TPY Sources

EPA originally proposed to find (February 3, 1983 at 48 FR 5099) that the stationary source portion of this plan was deficient due to the lack of Reasonably Available Control Technology (RACT) regulations for sources emitting more than 100 tons per year. However, on November 1, 1982 Allegheny County submitted a commitment and schedule to develop, adopt and implement RACT regulations for the three major, non-CTG sources located in the County. Furthermore, DER has now certified that no major VOC sources exist outside Allegheny County in the Southwestern Pennsylvania area.

On November 15, 1983, Allegheny County Bureau of Air Pollution Control submitted the results of their study undertaken pursuant to the November 1, 1982 letter. Of the four sources investigated, two, USS Chemicals and PPG Industries, were found to have RACT or better already in place. The third source, Neville Chemical, emits substantially less than 100 TPY and the fourth, Wiseman Oil Corp., purchased by Breslube of Canada, has been shut down. EPA reviewed Allegheny County's findings and confirmed our agreement with these results on February 29, 1984. The requirement that these RACT controls be maintained and operated is contained in the individual source permits.

The plan for the Southwestern Pennsylvania area now appears acceptable in all respects except for the previously discussed I/M portion and EPA is, today, proposing to approve the plan except for that portion.

D. Lehigh-Northampton Counties (Allentown-Bethlehem-Easton Areas)

Except for the I/M portion, the proposed submittal appears to correct the previously noted deficiencies (February 3, 1983 at 48 FR 5096, 5101).

Conclusions

EPA is today proposing approval, in part, of the supplemental material submitted on October 24, 1983.

The public is invited to submit to the address stated above, comments on the proposed revisions as discussed above. The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination of whether the amendments meet the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

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

List of Subjects in 40 CFR Part 52

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

Authority: Secs. 110, 172, and 301 of the Clean Air Act as amended 42 U.S.C. 7410, 7502, and 7601.

Date: June 6, 1984.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 84-22233 Filed 8-24-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 61

[AD-FRL-2660-6]

National Emission Standards for Hazardous Air Pollutants; Proposed Standards for Benzene Emissions From Coke By-Product Recovery Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Reopening of the Public Comment Period.

SUMMARY: On June 6, 1984, EPA proposed national emission standards for benzene emissions from coke by-product recovery plants (49 FR 23522). In response to requests from two trade associations, the period for receiving written comments on the proposed standards is being reopened.

DATE: Comments must be postmarked on or before October 19, 1984.

ADDRESS: Comments should be submitted (in duplicate, if possible) to: Central Docket Section (LE–131), Attention: Docket Number A–79–16, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Gilbert Wood, Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541–5578.

SUPPLEMENTARY INFORMATION: The Agency received letters from two trade associations requesting extensions of the comment period. Those two trade associations together represent over 90 percent of the potentially affected companies. One trade association requested an extension to complete its review of the proposed information, particularly in relation to emission rates at small plants and the economic impacts of the proposed standards. The other trade association requested an extension of the time to prepare their comments because of the complexity of the technical, economic, and health-related issues raised by the proposed standards. The association's representative stated that analyzing the technical and cost aspects of the controls for the numerous sources considered by EPA, and examining EPA's baseline assumptions and estimates of public health impacts have turned out to be more time consuming than EPA may have anticipated. The difficulty of this work is compounded by the association's need to coordinate among numerous companies.

The Agency believes it would benefit from the results of these associations' analyses and is therefore reopening the comment period until October 19, 1984.

Dated: August 21, 1984.

John C. Topping, Jr.,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 84–22661 Filed 8–24–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 62

[EPA Docket No. AM0204MD; A–3–FRL–2660–7]

Proposed Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Maryland

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Maryland Air Management Administration (MAMA) has submitted amendments to its air pollution control regulations and has requested that they be reviewed and approved by EPA as a Plan under section 111(d) of the Clean Air Act for the control of total fluoride emissions from primary aluminum reduction plants. The 111(d) Plan includes emission standards, prohibitions, and restrictions. The Plan is applicable statewide, but affects only the Eastalco Aluminum Plant located in Frederick County.

DATE: EPA must receive any comments on or before September 26, 1984.

ADDRESSES: Copies of the proposed 111(d) Plan, as well as accompanying support documentation submitted by the MAMA and interested citizens, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Division (3AM10), Curtis Building 6th and Walnut Streets, Philadelphia, PA 19106. Attn: James B. Topsale, P.E.

Maryland Department of Health and Mental Hygiene, Air Management Administration, 201 W. Preston Street, Baltimore, MD 21201, Attn: George P. Ferreri.

All comments should be submitted to James E. Sydnor at the EPA Region III address listed above. Please reference the EPA Docket number found in the heading of this Notice in any correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. James B. Topsale (3AM13), 215/597–4533 or at the EPA Region III address indicated above.

SUPPLEMENTARY INFORMATION:

Background

In accordance with Section 111 of the Clean Air Act, "Standards of Performance for New Stationary Sources," EPA has promulgated standards of performance for new sources of criteria pollutants (pollutants for whcih National Ambient Air Quality Standard have been published) and non-criteria (or designated) pollutants. Paragraph (d) of Section 111 requires states to develop control plans for designated pollutant emissions from existing stationary sources of the type regulated by standards of performance of new sources of designated pollutants. The reguirements for such plans are set forth in Subpart B of 40 CFR Part 60.

Designated pollutants which may contribute to the endangerment of public health are called "health related pollutants" while those that do not are called "welfare related pollutants." This distinction determines the degree with which the states must follow the EPA guidelines in developing their plans for the control of health related pollutants; greater flexibility is allowed in the control of welfare related pollutants. Therefore, for welfare related pollutants, the State of Maryland may weigh the guidelines against such factors as plant location, local community employment, and the remaining useful life of an existing plant. 40 CFR 60.24(d). Fluorides are considered by EPA as a welfare related pollutant.

Generally, the EPA fluoride guidelines—"Primary Aluminum Guidelines for Control of Fluoride Emission from Existing Primary Aluminum Plants, EPA–450/2–78–049b"—do not define ambient air quality standards or emission limitations; however, an average allowable emission range is provided for each type of aluminum reduction plant. The level of emission control, either primary or secondary, is presented as an average fluoride control efficiency expected from the application of certain recommended control technologies that are applied as new retrofits to existing plants, such as Eastalco.

Discussion

The fluoride ambient air quality standards, which are not part of the 111(d) Plan for the State of Maryland, are defined in the Code of Maryland Regulations (COMAR) in 10.18.04. These ambient standards are consistent with the tolerance values relating the adverse effects of fluorides on animals and vegetation in the EPA guideline referenced above. COMAR 10.18.04 defines eleven different ambient air quality standards which are expressed primarily in terms of concentrations of fluorides in vegetation. One of the three standards, for forage grown in the impacted area as feed, is a limitation of 35 micrograms of fluoride per gram of dry tissue, in unwashed samples, expressed as a running average over twelve months. If vegetation sampling is not practicable for determining ambient impacts, the MAMA may, as one alternative consistent with COMAR 10.18.04.01B.(8)(b), assume unsatisfactory ambient conditions exist when gaseous fluorides exceed 1.2 micrograms of fluoride per cubic meter of air in any 24 hour sample *and* any 72 hour average exceeds 0.4 micrograms of fluoride per cubic meter of air.[1]

[1] The May 25, 1984 Letter of the MAMA to EPA states that it is the intent of the State to change the "*and*" to "*or*" for this requirement.

The Code of Maryland Regulations, COMAR 10.18.06.07, that deals with fluoride emissions from any installation is now replaced by a revised regulation which constitutes the 111(d) Plan and provides fluoride emission standards for existing primary aluminum reduction plants. The revised regulation COMAR 10.18.06.07B.(2) establishes emission standards of 2.5 lbs/ton and 0.1 lbs/ton of aluminum produced as a quarterly average for the potline and anode bake plant, respectively. The potline standard is well within the guideline range of 2.3–3.3 lbs/ton of aluminum produced. The bake anode standard is nearly as stringent as the New Source Performance Standard (NSPS) of 0.1 lbs/ton expressed as a monthly average.

Accordingly, the Eastalco Aluminum reduction plant may not cause or permit the discharge of fluoride emissions which will cause a violation of either the fluoride ambient air quality standards in COMAR 10.18.04 or the emission standards for the potline or bake anode in COMAR 10.18.07B.(2). To determine compliance, a specific testing procedure is established for both the potline control and anode bake oven control systems. Stack test procedures are proposed by adding Method 1014 within the MAMA existing test procedures AMA–TM 83–05. The manner, scope, and duration of a required ambient surveillance program will be determined by the MAMA. In addition the revised regulations relocate the requirements for conducting a fluoride surveillance program and for developing an approvable procedure for records maintenance from COMAR 10.18.01.04 and .05 to COMAR 10.18.06.07B(1)(b) and D, respectively.

The MAMA believes that the emission standards for fluorides are consistent with the COMAR 10.18.04 requirements for meeting ambient air quality standards for fluorides; accordingly, no impact on public welfare is expected. In addition, the proposed regulations are expected to have minimal impact on the affected industry.

Proposed EPA Action

Based on the above information and the requirements of Subpart B of 40 CFR Part 60, EPA proposes to approve the Maryland 111(d) Plan for fluorides defined in COMAR 10.18.04 and 10.18.06.07, including test Method 1014 in AMA–TM 83–05. The public is invited to submit to the address stated above, comments on whether the proposed amendments to the MAMA's air pollution control regulations should be approved as a 111(d) Plan.

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

Under 5 U.S.C 605(b), the Regional Administrator has certified that Section 111(d) approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

List of Subjects in 40 CFR Part 62

Air pollution control, Fluoride, Sulfur, Administrative practice and procedure, Intergovernmental relations, Reporting requirements.

(42 U.S.C. 7411)

Dated: July 18, 1984.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 84–22662 Filed 8–24–84; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

Office of Information Resources Management

41 CFR Part 201–19

Triennial Review of Agency Administration and Operation of Information Resources Management Activities

AGENCY: Office of Information Resources Management, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed temporary regulation that establishes the Federal Information Resources Management (IRM) Review Program. It describes policies and procedures that Federal agencies and the General Services Administration will follow in carrying out the review responsibilities of the Paperwork Reduction Act (44 U.S.C. 3513). It also establishes GSA as the focal agency for collecting, assessing, and reporting on IRM review results to the Office of Management and Budget (OMB). OMB will report activities under Paperwork Reduction Act guidelines to Congress. Federal agencies, in the process of achieving their mission, put in effect management improvement programs of varying type and scope. In information intensive agencies, these activities include achieving economy and efficiency through effective information resources management, improving the agency's information activities, maximizing the usefulness of information, and ensuring the effective use of information technology in support of agency programs. The Federal IRM Review Program, established by this regulation, provides a Government-wide structure and reporting (information-sharing) mechanism intended to support those management initiatives as well as the requirements of the Paperwork Reduction Act. The regulation also cites GSA's additional review and oversight responsibilities under the Federal Property and Administrative Services Act and the Federal Records Act and includes those areas within the scope of IRM reviews. All agencies covered by the Paperwork Reduction Act are included and will be phased into the program over a three-year period.

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

ADDRESS: Comments should be submitted to the General Services Administration, KMPP, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Phillip R. Patton, Policy Branch (KMPP), Office of Information Resources Management, telephone (202) 566–0194 or FTS 566–0194. The full text of the proposed rule is available upon request.

SUPPLEMENTARY INFORMATION: (1) The General Services Administration has determined that the proposed rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. GSA decisions are based on adequate information concerning the need for, and the consequences of the rule. The rule is written to ensure maximum benefits to Federal agencies. This is a Government-wide management regulation that will have little or no cost effect on society.

(2) A further comment period of 90 days beginning with publication of the temporary regulation is contemplated. Therefore no extensions on the comment date cited in this notice will be made.

List of Subjects in 41 CFR Chapter 201

Government information resources activities, Government procurement, Information resources management reviews.

Dated: August 16, 1984.

Francis A. McDonough,

Deputy Assistant Administrator for Federal Information Resources Management.

[FR Doc. 84–22634 Filed 8–24–84; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 434

[OMB-003-N]

Medicare and Medicaid Programs; Office of Management and Budget Request for Review of Reporting and Recordkeeping Requirements

Correction

FR Doc. 84-22054 was published on page 33051 in the issue of Monday, August 20, 1984. The document appeared in the Notices section; however, it should have appeared in the Proposed Rules section.

BILLING CODE 1505-02-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

Correction

In FR Doc. 84-21330, beginning on page 32090 in the issue of Friday, August 10, 1984, make the following correction: On page 32092, third column, the last line of § 173.190(a)(3) should read "temperature not exceeding 140° F."

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 40899-4099]

Ocean Salmon Fisheries Off the Coast of Washington, Oregon, and California

Correction

In FR Doc. 84-21421 beginning on page 32414 in the issue of Tuesday, August 14, 1984, make the following corrections.

1. On page 32416, third column, in § 661.3(b), the coordinates should read as follows:

48°29'37.19" N. lat., 124°43'33.19" W. long.;
48°30'11" N. lat., 124°47'13" W. long.;
48°30'22" N. lat., 124°50'21" W. long.;
48°30'14" N. lat., 124°52'52" W. long.;
48°29'57" N. lat., 124°59'14" W. long.;
48°29'44" N. lat., 125°00'06" W. long.;
48°28'09" N. lat., 125°05'47" W. long.;
48°27'10" N. lat., 125°08'25" W. long.;
48°26'47" N. lat., 125°09'12" W. long.;
48°20'16" N. lat., 125°22'48" W. long.;
48°18'22" N. lat., 125°29'58" W. long.;
48°11'05" N. lat., 125°53'48" W. long.;
47°49'15" N. lat., 126°40'57" W. long.;
47°36'47" N. lat., 127°11'58" W. long.;
47°22'00" N. lat., 127°41'23" W. long.;
46°42'05" N. lat., 128°51'56" W. long.;
46°31'47" N. lat., 129°07'39" W. long.;

2. On page 32417, § 661.3(c), first column, line 6, remove the last semi-colon and insert a period.

3. On page 32418, column 2, § 661.6(c)(1), "VHR-FM" should read "VHF-FM".

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 49, No. 167
Monday, August 27, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Newberry County Critical Area Treatment

AGENCY: Soil Conservation Service.

ACTION: Notice of Finding of No Significant Impact.

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

FOR FURTHER INFORMATION CONTACT: Billy Abercrombie, State Conservationist, Soil Conservation Service, Strom Thurmond Federal Building, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201, telephone 803–765–5681.

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

The measure concerns stabilization of critically eroding areas. The planned works of improvement include vegetative and structural measures to stabilize critically eroding areas.

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

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

Dated: August 20, 1984.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program)

Billy Abercrombie,

State Conservationist.

[FR Doc. 84–22822 Filed 8–26–84; 8:45 am]

BILLING CODE 3410–16–M

Lexington County Critical Area Treatment

AGENCY: Soil Conservation Service.

ACTION: Notice of a Finding of No Significant Impact.

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

FOR FURTHER INFORMATION CONTACT: Billy Abercrombie, State Conservationist, Soil Conservation Service, Strom Thurmond Federal Building, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201, telephone 803–765–5681.

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

The measure concerns stabilization of critically eroding areas. The planned works of improvement include vegatative and structural measures to stabilize critically eroding areas.

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

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

Dated: August 20, 1984.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program)

Billy Abercrombie,

State Conservationist.

[FR Doc. 84–22823 Filed 8–26–84; 8:45 am]

BILLING CODE 3410–16–M

Black Lake Forest Campground Critical Area Treatment RC&D Measure, MI; Environmental Impact

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

ACTION: Notice of Finding of No Significant Impact.

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

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

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on

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

This measure concerns a plan for the installation of measures for critical area treatment. The planned works of improvement include the following items: rock riprap, timber sea wall, critical area planting, timbered access stairs and rustic fencing. Total construction cost is estimated to be $51,200; $33,300 will be paid by RC&D funds and $17,900 paid by the DNR.

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

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: August 7, 1984.

Homer R. Hilner,

State Conservationist.

[FR Doc. 84-22626 Filed 8-24-84; 8:45 am]

BILLING CODE 3410-16-M

Camp Grayling Critical Area Treatment RC&D Measure, MI; Environmental Impact

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

ACTION: Notice of Finding of No Significant Impact.

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

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

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

This measure concerns a plan for the installation of measures for critical area treatment. The planned works of improvement include the following items: critical area planting, 5 acres of grassed waterways, 6 grade stabilization structures, barrier posts and one sediment basin.

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

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: August 7, 1984.

Homer R. Hilner,

State Conservationist.

[FR Doc. 84-22627 Filed 8-24-84; 8:45 am]

BILLING CODE 3410-16-M

Grand Traverse County Critical Area Treatment RC&D Measure, MI; Environmental Impact

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

ACTION: Notice of Finding of No Significant Impact.

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

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

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

This measure concerns a plan for the installation of measures for critical area treatment. The plan works of improvement include the following items: 1300 ft. of rock riprap, 5,000 feet of trails, wooden barriers and 4 acres of critical area planting. Total construction cost is estimated to be $103,800, of which RC&D funds will pay $70,700 and local funds $33,100.

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

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: August 7, 1984.

Homer R. Hilner,

State Conservationist.

[FR Doc. 84–22628 Filed 8–24–84; 8:45 am]

BILLING CODE 3410–16–M

Hakola-Ross Drain Agricultural Land Drainage RC&D Measure, MI; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

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

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

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

This measure concerns a plan for the installation of practices for agricultural land drainage. The planned works of improvement include the following items: approximately 29,000 feet of drainage mains, 64 erosion control structures, and 32 acres of critical area seeding. Total construction cost is estimated to be $190,000; $81,000 RC&D funds and $109,000 local funds.

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

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: August 7, 1984.

Homer R. Hilner,

State Conservationist.

[FR Doc. 84–22629 Filed 8–24–84; 8:45 am]

BILLING CODE 3410–16–M

Northport Flood Control Flood Prevention RC&D Measure, MI; Environmental Impact

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

ACTION: Notice of Finding of No Significant Impact.

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

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

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

This measure concerns a plan for the installation of measures for flood prevention. The planned works of improvement include the following items: 800 feet of floodway, 1,400 feet of 42 inch CMP outlet pipe, one 54 inch CMP riser and one small retention basin. Total construction cost is estimated to be $131,000, of which RC&D funds will pay 100%.

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

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: August 7, 1984.

Homer R. Hilner,

State Conservationist.

[FR Doc. 84-22630 Filed 8-24-84; 8:45 am]

BILLING CODE 3410-16-M

Noteware Landing Critical Area Treatment RC&D Measure, MI; Environmental Impact

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

ACTION: Notice of Finding of No Significant Impact.

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

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

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

The measure concerns a plan for the installation of measures for critical area treatment. The planned works of improvement include the following items: rock riprap with polyethylene filter, rustic fencing and one acre of critical area seeding. Total construction cost is estimated to be $37,000, of which RC&D funds will pay $24,000 and local funds $13,000.

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

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: August 7, 1984.

Homer R. Hilner,

State Conservationist.

[FR Doc. 84-22631 Filed 8-24-84; 8:45 am]

BILLING CODE 3410-16-M

Pentoga Park Critical Area Treatment RC&D Measure MI; Environmental Impact

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

ACTION: Notice of Finding of No Significant Impact.

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

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

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

This measure concerns a plan for the installation of measures for critical area treatment. The planned works of improvement include the following items: critical area planting, diversions, barrier fence, woodchip pathway, rock riprap and fill material. Total construction cost is estimated to be $27,000; $18,000 RC&D funds and $9,000 local funds.

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

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal domestic assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable.

Dated: August 7, 1984.

Homer R. Hilner,

State Conservationist.

[FR Doc. 84-22632 Filed 8-24-84; 8:45 am]

BILLING CODE 3410-16-M

Shakey Lakes Park Critical Area Treatment RC&D Measure, MI; Environmental Impact

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

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact

statement is not being prepared for the Shakey Lakes Park RC&D Measure, Menominee County, Michigan.

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

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

This measure concerns a plan for the installation of measures for critical area treatment. The planned works of improvement include the folowing items: erosion control structures, diversion, rustic fence, walkways, tree removal, topsoil, seeding and mulching. Total construction cost is estimated to be $121,500, of which RC&D funds will pay $78,500 and local funds $43,000.

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

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: August 7, 1984.

Homer R. Hilner,

State Conservationist.

[FR Doc. 84–22633 Filed 8–24–84; 8:45 am]

BILLING CODE 3410–16–M

Richland County Critical Area Treatment, SC; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

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

FOR FURTHER INFORMATION CONTACT: Billy Abercrombie, State Conservationist, Soil Conservation Service, Strom Thurmond Federal Building, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201, telephone 803–765–5681.

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

The measure concerns stabilization of critically eroding areas. The planned works to improvement include vegetative and structural measures to stabilize critically eroding areas.

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

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

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program)

Dated: August 20, 1984.

Billy Abercrombie,

State Conservationist.

[FR Doc. 84–22624 Filed 8–24–84; 8:45 am]

BILLING CODE 3410–16–M

CIVIL RIGHTS COMMISSION

Alabama 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 Alabama Advisory Committee to the Commission will convene at 11:00 a.m. and will end at 1:00 p.m., on September 25, 1984, at the Sheraton Riverfront, Seaboard Room, 200 Coosa Street, Montgomery, Alabama 36104. The purpose of the meeting is to discuss reports from the Regional SAC meeting in Memphis, the National Chairpersons' Conference, and subcommittee reports on possible projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Southern Regional Office at (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 22, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–22715 Filed 8–24–84; 8:45 am]

BILLING CODE 6335–01–M

Kentucky 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 Kentucky Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 6:00 p.m., on September 19, 1984, at the Radisson Plaza, Burley Room, Vine Center, Broadway and Vine, Lexington, Kentucky 40508. The purpose of the meeting is to discuss reports of the Regional SAC Conference, the National Chairpersons' Conference, and future program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Southern Regional Office at (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 22, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–22714 Filed 8–24–84; 8:45 am]

BILLING CODE 6335–01–M

Oklahoma 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 Oklahoma Advisory Committee to the Commission originally scheduled for August 27, 1984, at the Holiday Inn West, Oklahoma City, Oklahoma (FR Doc. 84–20558, on page 31123) has been cancelled.

Dated at Washington, D.C., August 22, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–22711 Filed 8–24–84; 8:45 am]

BILLING CODE 6335–01–M

North Dakota 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 North Dakota Advisory Committee to the Commission will convene at 1:30 p.m. and will end at 4:30 p.m., on September 21, 1984, at the State Capitol Building, Sakakawea Room, Bismarck, North Dakota 58501. The purpose of the meeting is to receive a report on the annual Advisory Committee Chairpersons' Conference and plan for future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Rocky Mountain Regional Office at (303) 844–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 22, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–22712 Filed 8–24–84; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census.
Title: 1985 Census of Tampa, Florida and Jersey City, New Jersey.
Form Numbers: Agency—DB–1T, DB–1J, DB–2T(KEY), DB–2T(OMR), DB–2J(MOD80), DB–2J(HSG), DB–20J, DB–20T, DB–21T, DSB–23T, OMB—None
Type of Request: New collection
Burden: 221,000 respondents; 73,640 reporting hours
Needs and Uses: As part of the planning for the 1990 Decennial Census the Bureau of the Census is planning to test various methods of data collection and processing. Jersey City, New Jersey and Tampa, Florida have been selected as test sites. The Bureau will experiment with a two-stage data collection method in Jersey City. The test is designed to examine whether basic information can be collected more rapidly without increasing cost excessively or increasing error in other data collected. In Tampa, the test will be used to evaluate new automated processing methods.
Affected Public: Individuals or households
Respondent's Obligation: Mandatory
OMB Desk Officer: Timothy Sprehe, 395–4814

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: August 20, 1984.

Edward Michals,

Department Clearance Officer.

[FR Doc. 84–22615 Filed 8–24–84; 8:45 am]

BILLING CODE 3510–CW–M

International Trade Administration

President's Export Council; Full Council Meeting

A meeting of the President's Export Council will be held September 10, 1984, 9:30 a.m., Continental Ballroom, Grand Bay Hotel, 2669 South Bay Shore Drive, Coconut Grove, Florida. The Council's purpose is to advise the President on matters relating to United States export trade.

Executive Session: 9:30 a.m.–11:45 a.m. Discussion of matters properly classified under Executive Order 12356, dealing with export controls and regulations, trade negotiations, trade and economic relations with other countries, and other trade related matters.

General Session: 2:00 p.m.–5:00 p.m. Open forum with the Southeastern business community. Five regional experts will present trade issues affecting the region. The general audience will be invited to participate.

A Notice of Determination to close meetings or portions of meetings of the Council to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 3, 1983, in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377–4217.

For further information or copies of the minutes contact Silvia Lino, (202) 377–1125, Room 3213, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: August 21, 1984.

Henry P. Misisco,

Acting Director, Office of Planning and Coordination.

[FR Doc. 84–22616 Filed 8–24–84; 8:45 am]

BILLING CODE 3510–DR–M

[A–570–006]

Final Determination of Sales at Not Less Than Fair Value; Barium Carbonate From the People's Republic of China

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that barium carbonate from the People's Republic of China (PRC) is not being sold in the United States at less than fair value. Consequently, we are terminating this investigation.

EFFECTIVE DATE: August 27, 1984.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and

Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–2613.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that barium carbonate from the PRC is not being sold, nor is likely to be sold, in the United States at less than fair value, as provided in section 735 of the Traiff Act of 1930, as amended (19 U.S.C. 1673d) (the Act).

We made fair value comparisons on all sales during the period of investigation made by China National Chemicals Import and Export Corporation (SINOCHEM), the only known exporter of the subject merchandise. We found no sales at less than fair value.

Case History

On October 25, 1983, we received a petition in proper form from Chemical Products Corporation of Cartersville, Georgia, on behalf of the barium carbonate industry in the United States. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The petitioner also alleged that critical circumstances exist with respect to imports of barium carbonate from the PRC.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping duty investigation on barium carbonate. We notified the ITC of our action and initiated the investigation on November 18, 1983 (48 FR 52495). On December 21, 1983, the ITC found that there is a reasonable indication that imports of barium carbonate are materially injuring a United States industry (48 FR 56449).

We published a preliminary determination of sales at not less than fair value on April 6, 1984 (49 FR 13729). We published a Notice of Postponement of Final Antidumping Determination on May 25, 1984 (49 FR 22121). Our notice of the preliminary determination provided interested parties with an opportunity to submit views orally or in writing. On July 9, 1984, we held a public hearing.

As discussed under the "Foreign Market Value" section, we determined that the PRC is a state-controlled-economy country for the purposes of this investigation.

Scope of Investigation

The merchandise covered by this investigation is barium carbonate, a chemical compound having the formula BaCO3. Barium carbonate is currently classified under item 472.0600 of the *Tariff Schedules of the United States Annotated (TSUSA)*.

This investigation covers the period from October 1, 1982, to September 30, 1983. We examined 100 percent of SINOCHEM'S sales to the United States made during the period of investigation

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price, because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price based on the CIF price to unrelated purchasers. We made deductions for ocean freight, marine insurance, and inland freight in the PRC. In accordance with the policy set forth in our recent final determination in the case of carbon steel wire rod from Poland (49 FR 29434, July 20, 1984), we based deductions for inland freight on freight charges for the same distances in a non-state-controlled-economy country.

Foreign Market Value

The petitioner alleged that the economy of the PRC is state-controlled to the extent that sales of the subject merchandise from that country do not permit a determination of foreign market value under 19 U.S.C. 1677b(a). After analyzing the PRC's economy, we concluded that the PRC is a state-controlled-economy country for purposes of this investigation. Among the factors we considered were that output quotas for purchase by the state are set and that prices are administered at least up to the quota level.

As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar merchandise in a "non-state-controlled-economy" country.

After analysis of countries which produce barium carbonate we determined that India would be the most appropriate surrogate selection. However the Indian government declined to participate in the investigation. When we determined that there was no other country which manufactures barium carbonate and which is at a comparable economic level as the PRC, we inquired whether there is a product which is such or similar (as defined in section 771(16) of the Act) to the PRC barium carbonate.

Based on available information, we did not find any product that could be considered such or similar merchandise within the meaning of the Act. Therefore, pursuant to section 773 of the Act, and § 353.8(c) of the Commerce Regulations, we proceeded to construct a value based on specific components or factors of production in the PRC, valued on the basis of prices and costs in a non-state-controlled-economy "reasonably comparable" in economic development to the PRC. After analyzing those non-state-controlled-economies most similar to the PRC, we concluded that Thailand was a comparable economy for valuation of the PRC factors of production. We based valuation of the PRC raw materials, labor and energy on pricing and cost information in Thailand. We based valuation of certain costs included in factory overhead on the factory experience of a chemical company in Thailand. To these values we added an amount for general expenses and profit, as required by section 773(e)(1)(B) of the Act, and the cost of all containers and coverings and other expenses, as required by section 773(e)(1)(C) of the Act.

We received factors of production information from only one producer of barium carbonate in the PRC. This producer exports barium carbonate to the United States. We requested this information relative to another producer that accounts for about 28 percent of the production of barium carbonate in the PRC, but does not export to the United States. This request was based on our policy of including all significant related manufacturing plants in the determination of the cost of production. In valuing the factors of production in this investigation, we considered the factors for all significant production facilities to be relevant. Absent the requested information, we considered information developed on the factors of production of the significant producers in the contemporaneous antidumping investigation on barium chloride from the PRC. We determined the ratio of factors of production between the more efficient and less efficient producer of barium chloride and applied this ratio to the factors of production for the producer of barium carbonate that did provide information to calculate the factors of production for the non-responding plant. We then calculated a

production-weighted average constructed value for the two plants. In employing this methodology, we assumed that the responding producer was equivalent in efficiency to the more efficient barium chloride producer.

We based our methodology on our understanding of the similarities in the production processes of the barium chemicals under investigation including the problems relating to the corrosive nature of barium chemical production. We considered this to be the best information available for purposes of determining the factors of production of barium carbonate in the PRC.

Critical Circumstances

Counsel for petitioner alleged that imports of barium carbonate from the PRC present "critical circumstances." Since this is a negative determination, the allegation is moot.

Verification

In accordance with section 776(a) of the Act, we verified data used in making this determination by using verification procedures which included on-site inspection of manufacturers' facilities and examination of company records and selected original source documentation containing relevant information.

Petitioner's Comments

Comment 1: Petitioner argues that the foreign market value for barium carbonate from the PRC should be based on the prices of such or similar merchandise produced and sold for consumption in Mexico rather than on the constructed value of the merchandise.

DOC Response: We disagree. We found Mexico not to be a suitable surrogate for purposes of this determination because it is not at a stage of economic development comparable to the PRC. The only non-state-controlled economy country at a comparable level of economic development which manufactures barium carbonate is India, and India did not agree to cooperate in this investigation.

Comment 2: Petitioner argues that the barite ore available in Thailand is of such inferior quality as to preclude its use in the production of barium carbonate. Therefore the price of barite ore in Thailand does not constitute a proper basis for the valuation of the barite ore included in the PRC factors of production.

DOC Response: During our investigation, we obtained copies of laboratory reports with the chemical analysis of the barite used by the PRC barium carbonate plant. Two barite producers in Thailand also provided copies of laboratory reports with the chemical analysis of barite available in Thailand. In analyzing this information we have relied upon the opinion of chemical experts within the Department of commerce. As a result of our analysis, we have concluded that certain barite available in Thailand is comparable or superior to the barite used by the PRC barium carbonate plant. We therefore have valued the PRC factor of production for barite in Thailand.

Comment 3: Petitioner argues that the coal produced in Thailand is of such inferior quality as to preclude its use as a raw material or a fuel in the production of barium carbonate, and, therefore the price of coal in Thailand does not constitute a proper basis for the valuation of coal included as a raw material or as a fuel in the PRC factors of production.

DOC Response: During our investigation, we obtained copies of laboratory reports with the chemical analysis of the coal used by the PRC barium carbonate plant. We also obtained, both from a Thai government agency and from private companies in Thailand, information concerning the chemical analysis of coal available in Thailand. This information was analyzed by chemical experts in the Department of Commerce. As a result of our analysis, we have concluded that certain coal available in Thailand is suitable for use both as a raw material and as a fuel in the production of barium carbonate. We therefore have valued the PRC factors of production for both raw material and fuel coal in Thailand.

Comment 4: The Petitioner argues that we should consider the carbon dioxide used by the PRC plant a factor of production and value it according to the price of carbon dioxide in Thailand.

DOC Response: The PRC barium carbonate plant does not purchase carbon dioxide. The plant produces its own carbon dioxide which it then uses in the barium carbonate production process. Accordingly, we have verified in the PRC and valued in Thailand the PRC factors of production used for producing carbon dioxide.

Comment 5: The petitioner argues that we should ascertain and value in Thailand factors of production for both demineralized (soft) and process water.

DOC Response: We agree and have done so.

Comment 6: Petitioner argues that we should ascertain and value in Thailand factors of production for certain waste treatment chemicals the respondents allegedly omitted from their list of factors of production.

DOC Response: The PRC barium carbonate plant does not use waste treatment chemicals. Liquid wastes are recycled. Solid wastes are washed and then hauled away. Therefore, no factors of production for waste treatment chemicals were valued.

Comment 7: Petitioner argues that since the production of barium carbonate is capital intensive and the process employed is quite corrosive, the factory overhead used in determining the constructed value should be based on the experience of a similar chemical producer.

DOC Response: The Department used for the factory overhead component, the experience of a chemical producer in Thailand which manufactures corrosive chemicals. Significant elements of costs included in its over-all total costs included depreciation and major maintenance, reflecting the nature of its operations.

Comment 8: Petitioner argues that port storage and loading costs incurred in exporting barium carbonate to the United States should be deducted in the calculation of United States price.

DOC Response: The respondent avers that such charges are included in ocean freight charges (which we have deducted in calculating United States price). We have found no evidence indicating otherwise.

Comment 9: Petitioner argues that ocean freight charges deducted in calculating United States price should be based on the charges of non-state-controlled-economy carriers rather than on the charges of the Chinese state-owned steamship company.

DOC Response: All of the barium carbonate exported from the PRC to the United States was carried in vessels of China's state-owned steamship company, COSCO. At the verification it was determined that ocean freight charges (deductible in calculating United States price) were in U.S. dollars and at rates equal to or greater than the rates filed by non-state-controlled-economy carriers with the United States Federal Maritime Commission. We therefore deducted the actual charges of COSCO.

Comment 10: The petitioner argues that the factors of production reported by the exporter of barium carbonate from the PRC do not form a proper basis for the calculation of a constructed value since there is significant production by other producers in the PRC which must be accounted for in determining the correct factors of production.

DOC Response: We agree. This issue is discussed above in the last two

paragraphs of the Foreign Market Value section of this notice.

Comment 11: Petitioner argues that certain products which the respondents claim are co-products of barium carbonate production bear no relationship to its production.

DOC Response: The Department determined from its analysis that: (1) The production of quicklime was not related to the production of barium carbonate and (2) the production of hydrogen sulfide gas, used as an input to manufacture sulfur and sodium thiosulfate, was related to the production of barium carbonate. In making this determination, the Department analyzed many facts. Several of these were, (1) the ability of the plant's management to control the relative quantities of the various products resulting from a manufacturing process, (2) the relative values of these products to the plant, and (3) the use of raw materials and the manufacturing processes shared by the products. (For a detailed explanation see DOC response to respondent's comment 1.)

Respondent's Comments

Comment 1: The respondent claims that during the production of barium carbonate in the Xinji Plant, certain co-products are produced—quicklime, sulfur, and sodium thiosulfate.

DOC Response: The Department analyzed the manufacturing process used by the Xinji Plant for the production of barium carbonate in relation to the alleged co-products of quicklime, sulfur and sodium thiosulfate and determined that these were not co-products of barium carbonate.

The Department determined that quicklime was a co-product of carbon dioxide, an input in the manufacturing of barium carbonate. Quicklime and carbon dioxide were manufactured in a process separate from that used to manufacture barium carbonate. The quicklime/carbon dioxide process was not an integral part of the production of barium carbonate.

The Department determined that the sulfur and sodium thiosulfate manufacturing process was not an integral part of barium carbonate manufacturing process, and therefore these two products were not co-products of barium carbonate.

The Department did determine that during the production of barium carbonate in the Xinji Plant, hydrogen sulfide gas was produced. The production factors shared by barium carbonate and hydrogen sulfide gas were allocated to these two products based on volume of production.

Comment 2: The respondent argues that in calculating a Thai value for PRC barite, we should deduct any freight costs included in the Thai price.

DOC Response: For the purposes of our final determination we have used an ex-minehead price for barite in Thailand. Therefore no deduction for freight costs is warranted.

Comment 3: The respondent argues that in valuing the PRC factors of production for coal in Tahiland, we should adjust for differences in the quality of Tahi and PRC coal by applying price differentials which exist in the United States market for different quality coals.

DOC Response: As noted in our response to petitioner's comment 3 above, we have valued the PRC factors of production for coal based on the price of Thai coal suitable for use in the production of barium carbonate.

No price adjustment is necessary. However, we have adjusted the PRC factor of production for coal for differences between the PRC and Thai coals' fixed carbon content (in the case of raw material coal) and heating values (in the case of fuel coal).

ITC Notification

In accordance with section 735(d) of the act, we will notify the ITC of our determination. Since a final determination of sales at not less than fair value terminates the investigation, the ITC will not make a final determination of injury.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Dated: August 20, 1984.

William T. Archey,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 84-22731 Filed 8-24-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-007]

Final Determination of Sales at Less Than Fair Value; Barium Chloride From the People's Republic of China

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that barium chloride from the People's Republic of China (PRC) is being sold in the United States at less than fair value and that "critical circumstances" do not exist with respect to imports of barium chloride from the PRC. The U.S. International Trade Commission (ITC) will determine, within 45 days of publication of this notice, whether these imports are materially injuring or are threatening to materially injure, a United States industry.

EFFECTIVE DATE: August 27, 1984.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377-2613.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that barium chloride from the PRC is being sold, or is likely to be sold, in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (19 U.S.C. 1673d) (the Act).

For barium chloride sold by China National Chemicals Import and Export Corporation (SINOCHEM), the only known exporter of the subject merchandise, we have found that the foreign market value exceeded the United States price on 63 percent of sales compared. The margin of dumping ranged from 9.9 percent to 47.2 percent. The weighted-average margin was 14.5 percent.

Case History

On October 25, 1983, we received a petition in proper form from Chemical Products Corporation of Cartersville, Georgia, on behalf of the barium chloride industry in the United States. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act (19 U.S.C. 1673), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The petitioner also alleged that critical circumstances exist with respect to imports of barium chloride from the PRC.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping duty investigation on barium chloride. We notified the ITC of our action and initiated the investigation on November 18, 1983 (48 FR 52494). On December 21, 1983, the ITC found that there is a reasonable indication that imports of barium chloride are materially injuring a United States industry (48 FR 56449). We published a preliminary determination

of sales at less than fair value on April 6, 1984 (49 FR 13728).

We published a Notice on Postponement of Final Antidumping Determination on May 29, 1984 (49 FR 22365). Our notice of the preliminary determination provided interested parties with an opportunity to submit views orally or in writing. On July 9, 1984, we held a public hearing.

As discussed under the "Foreign Market Value" section, we determined that the PRC is a state-controlled-economy country for the purposes of this investigation.

Scope of Investigation

The merchandise covered by this investigation is barium chloride, a chemical compound having the formula BaC12 or BaC12–2H20. Barium chloride is currently classified under item 417.7000 of the *Tariff Schedules of the United States Annotated* (TSUSA).

This investigation covers the period from October 1, 1982, to September 30, 1983. SINOCHEM is the only known PRC exporter of barium chloride to the United States. We examined 100 percent of SINOCHEM's sales to the United States made during the period of investigation.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price, of the subject merchandise to represent the United States price, because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price based on the CIF price to unrelated purchasers. We made deductions for ocean freight, marine insurance, and inland freight in the PRC. In accordance with the policy set forth in our recent final determination in the case of Carbon Steel Wire Rod from Poland (49 FR 29434, July 20, 1984), we based deductions for inland freight on freight charges for the same distances in countries with non-state-controlled-economies.

Foreign Market Value

The Petitioner alleged that the economy of the PRC is state-controlled to the extent that sales of the subject merchandise from that country do not permit a determination of foreign market value under 19 U.S.C. 1677b(a). After analyzing the PRC's economy, we concluded that the PRC is a state-controlled-economy country for purposes of this investigation. Among the factors we considered were that output quotas for purchase by the state are set and that prices are administered at least up to the quota level.

As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar merchandise in a "non-state-controlled-economy" country. After analysis of countries which produce barium chloride, we determined that India would be the most appropriate surrogate selection. However, the Indian government declined to participate in the investigation. When we determined that there was no other country which manufactures barium chloride and which is at a comparable economic level as the PRC's we inquired whether there is a product which is such or similar (as defined in section 771(16) of the Act) to the PRC barium chloride.

Based on available information, we did not find any product that could be considered such of similar merchandise within the meaning of the Act. Therefore, pursuant to section 773 of the Act, and § 353.8(c) of the Commerce Regulations, we proceeded to construct a value based on specific components or factors of production in the PRC, valued on the basis of prices and costs in a non-state-controlled-economy "reasonably comparable" in economic development to the PRC. After analyzing those non-state-controlled-economies most similar to the PRC, we concluded that Thailand was a comparable economy for valuation of the PRC factors of production. We based valuation of the PRC raw materials, labor and energy on pricing and cost information in Thailand. We based valuation of certain costs included in factory overhead on the factory experience of a chemical company in Thailand. To these values we added an amount for general expenses and profit, as required by section 773(e)(1)(B) of the Act, and the cost of all containers and coverings and other expenses, as required by section 773(e)(1)(C) of the Act.

Negative Determination of Critical Circumstances

Counsel for petitioner alleged that imports of barium chloride from the PRC present "critical circumstances." Under section 733(e)(1) of the Act, critical circumstances exist when the Department finds that: (1)(a) There is a history of dumping in the United States or elsewhere of the merchandise under investigation, or (b) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise under investigation at less than its fair value; and (2) there have been massive imports of the merchandise under investigation over a relatively short period.

In determining whether there have been massive imports over a relatively short period, we considered the following factors: recent trends in import penetration levels; whether imports have surged recently; whether recent imports are significantly above the average calculated over the last several years (1981–1983); and whether the patterns of imports over the three-year period may be explained by seasonal swings. Based upon our analysis of the information, we determined that imports of the products covered by this investigation were not massive over a relatively short period.

For the reasons described above, we determined that critical circumstances do not exist with respect to barium chloride from the PRC.

Verification

In accordance with section 776(a) of the Act, we verified data used in making this determination by using verification procedures which included on-site inspection of manufacturers' facilities and examination of company records and selected original source documentation containing relevant information.

Petitioner's Comments

Comment 1: Petitioner argues that the barite ore available in Thailand is of such inferior quality as to preclude its use in the production of barium chloride and, therefore the price of barite ore in Thailand does not constitute a proper basis for the valuation of the barite ore included in the PRC factors of production.

DOC Response: During our investigation, we obtained copies of laboratory reports with the chemical analysis of the barite used by the PRC barium chloride plants. Two barite producers in Thailand also provided copies of laboratory reports with the chemical analysis of barite available in Thailand. In analyzing this information, we have relied upon the opinion of chemical experts within the Department of Commerce. As a result of our analysis, we have concluded that certain barite available in Thailand is comparable or superior to the barite used by the PRC barium chloride plants. We therefore have valued the PRC factor of production for barite in Thailand.

Comment 2: Petitioner argues that the coal produced in Thailand is of such inferior quality as to preclude its use as a raw material or a fuel in the production of barium chloride. Therefore the price of coal in Thailand does not constitute a proper basis for the valuation of coal included as a raw material or as a fuel in the PRC factors of production.

DOC Response: During our investigation, we obtained copies of laboratory reports with the chemical analysis of the coal used by the PRC barium chloride plants. We also obtained, both from a Thai government agency and from private companies in Thailand, information concerning the chemical analysis of coal available in Thailand. This information was analyzed by chemical experts in the Department of Commerce. As a result of our analysis, we have concluded that certain coal available in Thailand is suitable for use both as a raw material and as a fuel in the production of barium chloride. We therefore have valued the PRC factors of production for both raw material and fuel coal in Thailand.

Comment 3: Petitioner argues that we should ascertain and value in Thailand factors of production for both demineralized (soft) and process water.

DOC Response: We agree and have done so.

Comment 4: Petitioner argues that we should ascertain and value in Thailand factors of production for certain chemicals used to treat wastes and for caustic soda used for pH control.

DOC Response: No factor was valued for waste treatment chemicals because the PRC plants do not use them. We did value in Thailand a factor for caustic soda.

Comment 5: Petitioner argues that since the production of barium chloride is capital intensive and the process employed is quite corrosive, the factory overhead used in determining the constructed value should be based on the experience of a similar chemical producer.

DOC Response: The Department used for the factory overhead component the experience of a chemical producer in Thailand which manufactures corrosive chemicals. Signficant elements of costs included in its total costs included depreciation and major maintenance, reflecting the nature of its operations.

Comment 6: Petitioner argues that port storage and loading costs incurred in exporting barium chloride to the United States should be deducted in the calculation of United States price.

DOC Response: The respondent avers that such charges are included in ocean freight charges (which we have deducted in calculating Untied States price). We have found no evidence indicating otherwise.

Comment 7: Petitioner argues that ocean freight charges deducted in calculating United States price should be based on the charges of non-state-controlled-economy carriers rather than on the charges of the Chinese state-owned steamship company.

DOC Response: The majority of the barium chloride exported to the United States from the PRC is by non-state-controlled-economy carriers. The remainer of the exports were in vessels of China's state-owned carrier, COSCO. For those shipments, it was found during the course of the verification that ocean freight charges (deductible in calculating U.S. price) were in U.S. dollars at rates equal to or greater than the rates filed by non-state-controlled economy carriers with the United States Federal Maritime Commission. We therefore deducted the actual charges of COSCO.

Comment 8: Petitioner argues that certain products which the respondents claim are co-products of barium chloride production bear no relationship to its production.

DOC Response: The Department determined from its analysis that the alleged co-products were related to the production of barium chloride at the Zhangjiaba plant and were not related at the Tianjin plant. In making this determination the Department analyzed many facts. Several of these were, (1) the ability of the plant's management to control the relative quantities of the various products resulting from a manufacturing process, (2) the relative values of these products to the plant, and (3) the use of raw materials and the manufacturing processes shared by the products. (For detailed explanation see DOC response to respondent's comment 1).

Comment 9: The petitioner argues that the PRC factor for natural gas used by one of its barium chloride plants should be valued according to the price of natural gas in Thailand.

DOC Response: Natural gas in Thailand is in short supply and is therefore sold to only two end users by the Petroleum Authority of Thailand. As a practical matter, natural gas is not available to industrial users in Thailand. We have therefore valued the PRC factor for natural gas by valuing in Thailand an amount of coal with the same calorific value (Kilocalories) as the PRC factor for natural gas.

Respondent's Comments

Comment 1: The Respondent claims that both the Tianjin Chemical Plant and the Zhangjiaba Chemical Plant produce "co-products" during the production of barium chloride. These "co-products" are lithium carbonate, strontium carbonate and potassium chloride for the Zhangjiaba plant, and sodium hydrosulfide for the Tianjin plant.

DOC Response: The Department agrees concerning the Zhangjiaba plant. During the manufacturing process of barium chloride in the Zhangjiaba plant, a material input and certain manufacturing processes are shared in the production of barium chloride, lithium carbonate, strontium carbonate and potassium chloride. Therefore, we allocated the factors of production pertaining to the material input and the production processes among these products in order to determine the costs. We allocated the shared factors of production based on the weighted value method because of the vast difference in value of the products.

For the Tianjin plant, the Department disagrees. The manufacturing process for sodium hydrosulfide is not an integral part of the manufacturing process of barium chloride.

However, during the manufacturing of barium chloride, hydrogen sulfide gas is produced. The factors associated with the manufacturing of barium chloride and the gas were allocated to these products based on volume of production.

Comment 2: The respondent argues that in calculating a Tahi value for PRC barite, we should deduct any freight costs included in the Tahi price.

DOC Response: For the purposes of our final determinaiton we have used an ex-minehead price for barite in Tahiland. Therefore no deduction for freight costs is warranted.

Comment 3: The respondent argues that in valuing the PRC factors of production for coal in Thailand, we should adjust for differences in the quality of Tahi and PRC coal by applying price differentials which exist in the United States market for different quality coals.

DOC Response: As noted in our response to petitioner's comment 2 above, we have valued the PRC factors of production for coal based on the price of Thai coal suitable for use in the productioin of barium chloride. No price adjustment is necessary. However, we have adjusted the PRC factors of production for coal for differences between the PRC and Thai coals' fixed carbon content (in the case of raw material coal) and heating values (in the case of fuel coal).

Comment 4: The respondent argues that since the Zhangjiaba plant's source of calcium chloride is brine which it receives free of charge, that this factor

of production should be valued at its transportation cost.

DOC Response: We agree. We have valued this factor by determining the weighted-average distance between the Zhangjiaba plant and its brine sources and then determining freight costs in Thailand for transporting brine such a distance.

Comment 5: The respondent states that the PRC plants use hydrochloric acid which is the by-product of organic chemical production while the hydrochloric acid available in Thailand is the result of the direct synthesis of hydrogen gas with chlorine gas. The respondent goes on to argue that we should adjust downward the price of the Thai "synthetic" acid according to the ratio between the prices of "by-product" and "synthetic" hydrochloric acid in India. (Information concerning the price of hydrochloric acid in India was gathered during the course of a recent antidumping investigation involving chloropicrin from the PRC).

DOC Response: "By-product" and "synthetic" hydrochloric acid are equally suitable for the production of barium chloride. We do not consider the method of manufacture of an input relevant so long as the end product is suitable for the production of barium chloride. We also find it administratively infeasible to move back and forth around the world valuing factors of production. We have determined, pursuant to section 353.8(c) of the regulations, that Thailand and the PRC are at comparable stages of economic development. We therefore have valued all of the factors of production in Thailand without reference to relative values in other countries such as India.

Continuation of Suspension of Liquidation

We are directing the United States Customs Service to continue to suspend liquidation of all entries of barium chloride from the People's Republic of China which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of the preliminary determination in the Federal Register. The Customs Service shall continue to require a cash deposit or the posting of a bond equal to the estimated weighted-average margin amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. The bond or cash deposit amount established in our preliminary determination of April 6, 1984, remains in effect with respect to entries or withdrawals made prior to the date of publication of this notice in the Federal Register. With respect to entries or withdrawals made on or after the publication of this notice, the bond or cash deposit amount required is 14.5 percent of the FOB China price.

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will make its determination whether these imports are materially injuring, or threatening to materially injure, a U.S. industry within 45 days of the publication of this notice. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that such injury does exist, we will issue an antidumping duty order directing Customs Officers to assess an antidumping duty on barium chloride from the PRC entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value exceeds the United States price.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Dated: August 20, 1984.

William T. Archey,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 84-22730 Filed 8-24-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-406]

Initiation of Countervailing Duty Investigation; Fabricated Automotive Glass From Mexico

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Mexico of fabricated automotive glass, as described in the "Scope of Investigation" section below, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination on or before October 24, 1984.

EFFECTIVE DATE: August 27, 1984.

FOR FURTHER INFORMATION CONTACT: Ken Haldenstein, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-4136.

SUPPLEMENTARY INFORMATION:

Petition

On July 31, 1984, we received a petition from PPG Industries, Inc. filed on behalf of the U.S. fabricated automotive glass industry. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Mexico of fabricated automotive glass receive bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the "Act").

Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and the merchandise being investigated is dutiable. Therefore, section 303(a)(1) and (b) of the Act applies to this investigation. Accordingly, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this merchandise cause or threaten to cause material injury to a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on fabricated automotive glass, and we have found that the petition meets the requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Mexico of fabricated automotive glass, as described in the "Scope of Investigation" section of this notice, receive bounties or grants. If our investigation proceeds normally, we will

make our preliminary determination by October 24, 1984.

Scope of Investigation

The merchandise covered by this investigation is "fabricated automotive glass," specifically, laminated automotive glass currently classifed in item 544.4120 of the *Tariff Schedules of the United States, Annotated* (TSUSA) and tempered automotive glass currently classifed under TSUSA item 544.3100.

Allegations of Bounties or Grants

The petition alleges that producers, manufacturers, or exporters in Mexico of fabricated automotive glass receive benefits under a number of programs that constitute bounties or grants. We will initiate a countervailing duty investigation on the following allegations:

- Preferential Loans under the Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX)
- Preferential Federal Tax Credits through Certain Certificates of Fiscal promotion (CEPROFI)
- Debt Rescheduling Benefits on Foreign Credits Incurred After December 20, 1982, as Provided under the Trust Fund for Coverage of Risks (FICORCA)
- Subsidized Raw Material Inputs

In addition, we will initiate a countervailing duty investigation on the following Mexican government programs which, in prior cases, we found might confer bounties or grants:

- Article 94 Loans
- National Fund for Industrial Development (FONEI)
- Accelerated Depreciation
- Development Funds Administered by Nacional Financiera, S.A. (NAFINSA)

a. Fund for Medium and Small Businesses (FOGAIN);

b. Trust for Industrial Parks, Cities, and Commercial Centers (FIDEIN);

c. National Preinvestment Fund for Studies and Projects (FONEP).

- Regional Energy Discounts
- Import Duty Reductions and Exemptions
- Preferential State Investment Incentives
- Fondo Nacional de Fomento Industrial (FOMIN)
- Government Financed Technology Development
- The Mexican Institute of Foreign Trade (IMCE)

In previous final affirmative countervailing duty determinations involving various products from Mexico, we determined that certain programs did not confer bounties or grants. Allegations concerning some of these programs are included in the current petition. Because the petition presents no new evidence or changed circumstances with respect to these programs, we will not initiate a countervailing duty investigation on the following allegations:

- Debt Rescheduling Benefits on Foreign Credits Incurred Before December 20, 1982, as Provided under FICORCA

In our final affirmative countervailing duty determination on unprocessed float glass from Mexico (49 FR 23097), we found that FICORCA debt rescheduling benefits regarding foreign credits incurred before December 20, 1982, were available to all Mexican firms with foreign indebtedness, and thus did not confer a bounty or grant. The FICORCA benefits were not tied in any way to exports and were not targeted to a specific industry or enterprise, to a group of industries, or to companies located in specific regions of the country.

- Certificates of Fiscal Promotion (CEPROFI) Granted for Wage Increases and for Investment in New Mexican-Made Capital Goods

In our final affirmative countervailing duty determination on Portland hydraulic cement and cement clinker from Mexico (48 FR 43063), we found that certain types of CEPROFI benefits, specifically, CEPROFI tax credits for wage increases and for investment in new Mexican-made capital goods, are not countervailable because they are not targeted to a specific industry, to a group of industries, or to companies located in specific regions of the country.

- Preferential Prices on Natural Gas Used by Mexican Industries

Petitioner alleges that the Mexican government, through Petroleos Mexicanos (PEMEX), charges domestic industrial consumers of natural gas prices below the world market price and below the price PEMEX charges foreign purchasers for natural gas.

In our final affirmative countervailing duty determination on Portland hydraulic cement and cement clinker from Mexico (48 FR 43063), we found that the existance of a price differential between export and domestic sales of natural gas, or between domestic and "world market" prices, does not, in and of itself, confer a bounty or grant.

Dated: August 20, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-22732 Filed 8-24-84; 8:45 am]

BILLING CODE 3501-DS-M

National Bureau of Standards

National Voluntary Laboratory Accreditation Program

AGENCY: National Bureau of Standards, Commerce.

ACTION: Announcement of laboratory accreditation actions for July 1984.

The laboratory named below has been newly accredited under the National Voluntary Laboratory Accreditation Progam (NVLAP). Also listed are the test methods for which that laboratory has been accredited.

Thermal Insulation Materials LAP

STATE OF CALIFORNIA BUREAU OF HOME FURNISHINGS

[3485 Orange Grove Ave., North Highlands, CA 95660, John A. McCormack, phone: 916-920-6952]

NVLAP code	Designation	Short title
01/F07	Fed. Spec. HH-I-515 (para. 4.8.7 in D version, Amendment 1).	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill).
01/F08	Fed. Spec. HH-I-515 (para. 4.8.8 in D version, Amendment 1).	Smoldering combustion; Cellulosic fiber (loose-fill).

Renewed Accreditation

Construction Materials Consultants, Inc., Colorado Springs, Colorado renewed its accreditation under the Freshly Mixed Field Concrete LAP. Its accreditation is effective until July 1, 1985.

Voluntary Termination

The laboratory listed below has voluntarily terminated its accreditation.

Concrete LAP

EASTCOAST TESTING & ENGINEERING, INC., Ft. Lauderdale, Florida

FOR FURTHER INFORMATION CONTACT: Mr. John W. Locke, Manager, Laboratory Accreditation, ADMIN A531, National Bureau of Standards, Gaithersburg, MD 20899; (301) 921-3431.

Dated: August 21, 1984.

Ernest Ambler,

Director, National Bureau of Standards.

FR Doc. 84-22645 Filed 8-24-84; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Receipt of Permit Applications

This document publishes for public review a summary of applications received by the Secretary of State requesting permits for foreign vessels to fish in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq.*).

Send comments on applications to: Fees, Permits and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, or, send comments to the Fishery Management Council(s) which review the application(s), as specified below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906, 617/231–0422

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, 300 South New Street, Dover, DE 19901, 302/647–2331

David H.G. Gould, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407, 803/571–1366

Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco De Ponce Building, Suite 1108, Hato Rey, PR 00818, 809/753–6910

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Blvd., Tampa, FL 33609, 813/228–2815

Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, OR 97201, 503/221–6352

Jim H. Branson, Executive Director, North Pacific Fishery Management, 605 W. Fourth Avenue, Anchorage, AK 99510, 907/271–4064

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 164 Bishop Street, Room 1608, Honolulu, HI 98613, 808/523–1368

For further information contact Shirley Whitted or John D. Kelly (Fees, Permits and Regulations Division, 202–634–7432).

The Magnuson Act requires the Secretary of State to publish a notice of receipt of all applications for such permits summarizing the contents of the applications in the **Federal Register**. The National Marine Fisheries Service, under the authority granted in a memorandum of understanding with the Department of State effective November 29, 1983, issues the notice of behalf of the Secretary of State.

Individual vessel applications for fishing in 1984 have been received from the Government(s), shown below.

Dated: August 21, 1984.

Carmen J. Blondin,

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

Code and fishery	Regional fishery management councils
ABS Atlantic billfishes and sharks	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA Bering Sea and Aleutian Islands	North Pacific.
GOA Gulf of Alaska	North Pacific.
NWA Northwest Atlantic Ocean	New England, Mid-Atlantic.
SMT Seamount groundfish	Western Pacific.
SNA Snails (Bering Sea)	North Pacific.
WOC Pacific groundfish (Washington, Oregon, and California)	Pacific.
PBS Pacific billfishes and sharks	Western Pacific.

Activity codes which specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing and other support.
2	Processing and other support only.
3	Other support only.
4	"Joint venture" in support of U.S. vessels.

Nation, vessel name, vessel type	Application No.	Fishery	Activity
Government of Japan:			
Osaka Reefer, cargo/transport	JA–84–200	BSA/GOA	3
Teriyoshi Maru, tanker fuel/water	JA–84–0008	SMT	3
Tenshun Maru, tanker fuel/water	JA–84–0182	SMT/BSA/GOA/SNA	3
Tenkai Maru, tanker fuel/water	JA–84–0894	SMT	3
Government of Portugal:			
Coimbra, Large stern trawler	PO–84–0009	NWA	2(4)
Inacio Cunha, large stern trawler	PO–84–0003	NWA	2(4)
Government of USSR:			
Zvezdnyi Bereg, cargo/transport vessel	UR–84–0726	BSA/GOA/WOC	3

Portugal

Joint Venture—The government of Portugal has applied for fishing vessel permits to engage in joint venture activities with Lund's Fisheries, Inc., 997 Ocean Drive, Cap May, New Jersey 08204, as their American partner. The application requests that Portuguese vessels receive transshipments of U.S. *Illex* squid in the amount of 4,000 mt from domestic vessels. The joint venture will take place in the Northwest Atlantic Ocean fishery.

[FR Doc. 84–22639 Filed 8–24–84; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishing Import Limits for Certain Cotton and Wool Textile Products Exported From the People's Republic of China

August 22, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on August 28,

1984. For further information contact Diana Bass, International Trade Specialist, (202) 377–4212.

Background

On June 29 and July 12, 1984 notices were published in the **Federal Register** (49 FR 26788 and 28427) which established import restraint limits for cotton coveralls in Category 359pt. (only TSUSA numbers 379.6410 and 383.5035), cotton shop towels in Category 369pt. (only TSUSA number 366.2740) and wool dresses in Category 436, produced or manufactured in the People's Republic of China and exported during the ninety-day periods which began on May 30 and extends through August 27, 1984 (Categories 436 and 369pt.) and on May 31, 1984 and extends through August 28, 1984 (Category 359pt.). The notices also stated that the Government of the People's Republic of China is obligated under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, if no mutually satisfactory solution is reached on the levels for this category during consultation, to limit its exports during the twelve-month periods following the ninety-day consultation periods to the following:

Category and 12-mo. restraint limit	Period
359pt., 52,905 dozen	Aug. 29, 1984 to Aug. 28, 1985.
369pt., 4,296,657 pounds	Aug. 28, 1984 to Aug. 27, 1985.
436, 6,320 dozen	Aug. 28, 1984 to Aug. 27, 1985.

No solution has been reached in consultations on mutually satisfactory limits. The United States Government has decided, therefore, to control imports of cotton and wool textile products in Categories 359pt., 369pt., and 436, exported during the twelve-month periods and at the levels described above. The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register.**

In the event the limits established for the ninety-day periods have been exceeded, such excess amounts, if allowed to enter, will be charged to the levels established for the designated twelve-month periods.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

August 22, 1984.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commission: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on August 28, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and wool textile products in Categories 436, 359pt.[1] and 369pt.,[2] produced or manufactured in China and exported during the indicated twelve-month periods, in excess of the following limits:

Category and 12-mo restraint limit [3]	Period
359pt.[1], 52,905 dozen	Aug. 29, 1984 to Aug. 28, 1985.
369pt.[2], 4,296,657 pounds	Aug. 28, 1984 to Aug. 27, 1985.
436, 6,320 dozen	Aug. 28, 1984 to Aug. 27, 1985.

[1] In Category 359, only TSUSA numbers 379.6410 and 383.5035.
[2] In Category 369, only TSUSA number 366.2740.
[3] The restraint limits have not been adjusted to account for any goods exported before August 28, 1984 (Categories 369pt. and 436) or August 29, 1984 (Category 359pt.).

Textile products in Categories 436, 359pt.[1] and 369pt.[2] which are in excess of the 90-day limits previously established shall be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton and wool textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,
Chairman, Committee for the Implementation of Textile Agreements.

[1] In Category 359, only TSUSA numbers 379.6410 and 383.5035.

[2] In Category 369, only TSUSA number 366.2740.

FR Doc. 84–22618 Filed 8–24–84; 8:45 am]
BILLING CODE 3510-DR-M

Import Restraint Limit for Certain Cotton Apparel Exported From Pakistan

August 22, 1984.

On June 22, 1984 a notice was published in the **Federal Register** (49 FR 25662) announcing that, on May 29, 1984, the United States Government, under the terms of the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, had requested the Government of Pakistan to enter into consultation concerning exports to the United States of cotton coats in Category 335, produced or manufactured in Pakistan.

A meeting was held concerning this category on August 17, 1984 and consultations will continue. In the interim, the United States Government has decided to control imports in Category 335 at a limit of 22,904 dozen for Pakistan exports during the period which began on May 29, 1984 and extends through December 31, 1984. In the event a different solution is agreed upon in consultations between the two governments, further notice will be published in the **Federal Register.**

Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton apparel products in Category 335 exported during the designated period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 fR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

Effective Date: August 27, 1984.

For Further Information Contact: Carl Ruths, International Trade Specialist,

Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377–4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

August 22, 1984.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commmissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton Textile Agreement of March 9 and 11, 1982 between the Governments of the United States and Pakistan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed, effective on August 27, 1984, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 335, produced or manufactured in Pakistan and exported during the period which began on May 29, 1982, and extends through December 31, 1984, in excess of 22,904 dozen.[1]

Textile products in Category 335 which have been exported to the United States prior to May 29, 1984 shall not be subject to this directive.

Textile products in Category 335 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

In carrying out the above directions, the Commmissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commmissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

[1] The limit has not been adjusted to reflect any imports exported after May 28, 1984.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84–22619 Filed 8–24–84; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Armed Forces Epidemiological Board; Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

Name of committee: Ad Hoc Subcommittee., Health Affairs, Armed Forces Epidemiological Board.

Date: 20 September 1984.

Time: 0800–1600.

Place: McCormick Facility, Parsons Island, Kent Island, Maryland.

Proposed agenda: Review of epidemiologic reporting systems with emphasis on international geographic locations and select epidemiologic considerations regarding participation of women in the Armed Forces.

2. This meeting will be open to the public but very limited as to space accommodations. Any interested person may attend, appear before, or file statements with the subcommmittee at the time and manner permitted by the subcommittee. Interested persons wishing to participate should advise the Executive Secretary, DASG–AFEB, Room 2D455, Pentagon, Washington, DC, 20310–2300, (202) 695–9115.

Dated: August 20, 1984.

Robert F. Nikolewski.

Col, USAF, BSC, Executive Secretary.

[FR Doc. 84–22646 Filed 8–24–84; 8:45 am]

BILLING CODE 3710-08-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

August 21, 1984.

The USAF Scientific Advisory Board Ad Hoc Committee on a Large Rocket Test Facility will meet at Arnold Air Force Station, Tullahoma, TN, on September 18–19, 1984 to consider and make recommendations on a proposed solid rocket test facility. The Committee will address the need for such a facility and make recommendations on its construction if the need is evident. This meeting is open to the public.

The committee will meet in the A&E Building, Room A101, from 8:00 a.m. until 4:30 p.m. on September 18–19 to receive briefings and to deliberate in executive session.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4748.

Harry C. Waters,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 84–22668 Filed 8–24–84; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before September 26, 1984.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests shoud be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that the public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Deputy Under Secretary for Management publishes this notice containing proposed information requests prior to the submission of these requests to the OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension,

existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of the collection; (5) The affected public; (6) Reporting Burden; and/or (7) Recordkeeping Burden; and (8) Abstract.

OMB invities public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: August 22, 1984.

Ralph J. Olmo,

Acting Deputy Under Secretary for Management.

Office of Postsecondary Education

Type of Review Requested: Existing
Title: Applications for Fulbright-Hays Training Grants: Faculty Research and Doctoral Dissertation Research Abroad Programs
Agency Form Number: ED 269
Frequency: Annually
Affected Public: Individuals or Households; Non-Profit Institutions
Reporting Burden: Responses: 670; Burden Hours: 12,060
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This application form is used by individual graduate students and faculty members competing for Fulbright-Hays fellowships awarded by the Department of Education to sponsoring institutions of higher education.

Office of Bilingual Educational and Minority Languages Affairs

Type of Review Requested: Existing
Title: Request for Continuation Grant under Bilingual Education
Agency Form Number: ED 4561-1
Frequency: Annually
Affected Public: State or Local Educational Agencies; Institutions of Higher Education; and Non-Profit Institutions
Reporting Burden: Responses: 600 Burden Hours: 9,600
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This form is used to request continuation awards under Title VII of the Elementary and Secondary Education Act, as amended. The Act authorizes the award of grants to State and local educational agencies, institutions of higher education, and non-profit private organizations that meet the conditions of the Act and governing regulations.

Office of Planning, Budget, and Evaluation

Type of Review Requested: New
Title: National Study of Local Operations under Chapter 2 of the Education Consolidation and Improvement Act
Agency Form Number: ED 8001
Frequency: Non-Recurring
Affected Public: Individuals or Households; State or Local Governments
Reporting Burden: Responses: 5,392; Burden Hours: 3069.4
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: The Department of Education needs comprehensive information on a nationwide basis about the operation and effects of the Education Consolidation and Improvement Act, Chapter 2, for management and policymaking purposes, as well as to respond to Congressional requests. Primary respondents will be a random sample of 1,600 school districts.

[FR Doc. 84-22718 Filed 8-24-84; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TA84-2-20-008]

Algonquin Gas Transmission Co.; Rate Increase Filing Under Rate Schedule S-IS

August 21, 1984

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on August 17, 1984 tendered for filing Ninth Revised Sheet No. 213 to its FERC Gas Tariff, Second Revised Volume No. 1.

Algonquin Gas states that Ninth Revised Sheet No. 213 is being filed to reflect in Algonquin Gas' Rate Schedule S-IS Payment for Inventory Sale Gas an increase in Consolidated Gas Transmission Corporation's ("Consolidated") underlying Rate Schedule E.

Algonquin Gas requests that the Commission accept such tariff sheet, to be effective September 1, 1984, to coincide with the proposed effective date of Consolidated's Rate Schedule E rate change.

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 motion 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 28, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22895 Filed 8-24-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-462-001]

ANR Pipeline Co.; Amendment

August 22, 1984.

Take notice that on July 16, 1984, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP84-462-001 an amendment to its pending application filed June 4, 1984, in Docket No. CP84-462-000 pursuant to section 7(c) of the Natural Gas Act so as to reflect a further request to operate facilities and concurrently therewith to implement a transportation service for Bridgeline Gas Distribution Company (Bridgeline), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

ANR states that in Docket No. CP84-462-000 it proposed a transportation service for Bridgeline pursuant to a transportation agreement dated July 19, 1983, as amended on March 1, 1984. ANR states that it agreed to receive and transport up to 20,000 Mcf of natural gas per day (the contract demand), less fuel usage. ANR proposed that redeliveries would be made for Bridgeline's account from High Island Area Blocks A-563 and A-564, offshore Texas, to either (1) Columbia Gulf Transmission Company (Columbia Gulf) or (2) Riverway Gas Pipeline Company (Riverway), both located in St. Mary Parish, Louisiana. ANR further stated that all of the initial redeliveries would be made solely to Columbia Gulf pursuant to section 311(a) of the Natural Gas Policy Act of 1978 (NGPA), subject to the subsequent placement in service of a proposed interconnection between the respective systems of ANR and Riverway. ANR asserted that the Riverway interconnection would be constructed pursuant to its Order No. 234 blanket certificate authorization.

ANR submits in its amendment, Docket No. CP84-462-001, that the said

Riverway interconnection was laced into operation on June 1, 1984, and that the redeliveries on Riverway's behalf have been shifted from the Columbia Gulf delivery point to the Riverway delivery point. ANR stated that this action was undertaken pursuant to Section 311 of the NGPA. ANR, by such amendment, requests Commission authorization under section 7 of the Natural Gas Act to operate its portion of the Riverway interconnection and to make deliveries at such delivery point.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 12, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22696 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-639-000]

ANR Pipeline Co.; Application

August 22, 1984.

Take notice that on August 9, 1984, ANR Pipeline Company (Applicant), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP84-639-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in order to provide a new delivery point to Iowa Southern Utilities Company (Iowa Southern) at Mt. Pleasant, Iowa, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 2.6 miles of 4-inch pipeline from Applicant's existing measuring facility to its terminus at Iowa Southern's facilities, all in Henry County, Iowa. Applicant estimates the cost of the proposed facilities to be $273,400.

Applicant states that its sales to Iowa Southern are made pursuant to a service agreement dated February 10, 1983, as amended. Iowa Southern has requested the new delivery point in order to provide natural gas service to a commercial and certain industrial end-users in Mt. Pleasant, Iowa. It is submitted that the maximum daily deliveries at the Mt. Pleasant delivery point would be 2,000 Mcf and would be within Iowa Southern's currently existing peak day and annual entitlements.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 12, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22697 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-641-000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

August 22, 1984.

Take notice that on August 10, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP84-641-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of Ohio Brass Company (Ohio Brass) under the authorization issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposed to transport up to 400 million Btu of natural gas per day for Ohio Brass through June 30, 1985. It is stated that the gas to be transported would be purchased from Park Ohio Energy, Inc. (Park Ohio), and would be used as process gas and boiler fuel in Ohio Brass' Newell, West Virginia, plant.

The gas purchase agreement between Park Ohio and Ohio Brass indicates that Columbia has released certain gas supplies of Park Ohio. It is stated that these supplies are subject to the ceiling provisions of sections 102, 103, 107 and 108 of the Natural Gas Policy Act of 1978. It is indicated that Ohio Brass has purchased this released gas from Park Ohio. It is further indicated that Columbia would receive the gas from Park Ohio at existing receipt points in Ohio, Pennsylvania, and West Virginia and deliver it to Mountaineer Gas Company, the distributor serving Ohio Brass, near Newell, West Virginia.

It is stated that depending upon whether its gathering facilities are involved, Columbia would chare either (1) 40.11 cents per dt equivalent for storage and transmission, exclusive of company-use and unaccounted-for gas, or (2) 44.93 cents per dt equivalent for storage, transmission and gathering, exclusive of company-use and unaccounted-for gas. Columbia states that is would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice

of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22698 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-642-000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

August 22, 1984.

Take notice that on August 10, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP84-642-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of International Business Machines Corporation (IBM) under the authorization issued in Docket No. CP83-76-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to transport up to 1,350 dt equivalent of natural gas per day for IBM through June 30, 1985. Columbia states that the gas to be transported would be purchased from Ohio Gas Marketing Corporation (OGM) and would be used as process gas in IBM's Lexington, Kentucky, plant.

It is indicated that Columbia has released certain gas supplies of OGM and that these supplies are subject to the ceiling price provisions of sections 103 and 107 of the Natural Gas Policy Act of 1978. Columbia states that it would receive the gas at existing delivery points on its system from OGM and redeliver the gas to Columbia Gas of Kentucky, Inc. (CKY), the distribution company serving IBM, near Lexington, Kentucky. Further, Columbia states that depending upon whether its gathering facilities are involved, it would charge either (1) its average system-wide storage and transmission charge currently 40.11 cents per dt equivalent exclusive of company-use and unaccounted-for gas, or (2) its average system-wide storage, transmission and gathering charge, currently 44.93 cents per dt equivalent exclusive of company-use and unaccounted-for gas. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas, as set forth in Rate Schedule TS-1 of Columbia's FERC Tariff, Original Volume No. 1-A. Columbia also states that it would collect the GRI funding unit charge of 1.21 cents per dt.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file purusant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is file and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22699 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-57-001]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

August 21, 1984.

Take notice that on August 8, 1984, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP84-57-001 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport nautral gas through June 30, 1985, on behalf of Mobay Chemical Corporation (Mobay) under authorization issued in Docket No. CP83-76-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia proposes to transport to to 700 dt equivalent of natural gas per day from various existing points of receipt on its system to Baltimore Gas and Electric Company (BG&E) in Baltimore, Maryland. The gas purchase agreement between POI Energy, Inc. (POI), and Mobay indicates the Columbia has released certain gas supplies of POI. Columbia states that these supplies are subject to the ceiling price provisions of Section 102, 103 and 107 of the Natural Gas Policy Act of 1978. It is further indicated that Mobay has purchased this released natural gas from POI and that BG&E is the distribution company serving Mobay in Baltimore, Maryland.

For this transportation Columbia states it would charge Mobay its average system-wide storage, transmission, and gathering costs, currently 44.93 cents per dt equivalent or its storage and transmission costs, currently 40.11 cents per dt equivalent, whichever is applicable, exclusive of company-use and unaccounted-for gas. In addition, Columbia indicates that it would retain 2.85 percent of the gas delivered to it for company-use and unaccounted-for gas.

The proposed service is a continuation of the service authorized previously in Docket No. CP84-57-000, which authorization would terminate on August 10, 1984.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest if filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22689 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-605-000]

K N Energy, Inc.; Application

August 22, 1984.

Take notice that on July 26, 1984, K N Energy, Inc. (K N), Post Office Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP84-605-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity

authorizing a sale for resale of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

K N proposes to sell 15,000 Mcf of natural gas per day to Western Gas Corporation (Western), for resale to Western's existing customers. It is stated that the gas would be sold to Western at the applicable rate under K N's Rate Schedule CD–1 of K N's F.E.R.C. Gas Tariff, Third Revised Volume No. 1. The service would be for a primary term commencing with the date of initial deliveries until November 1, 1990, and continuing from a year to year thereafter unless terminated by either party 12 months prior to the desired termination date.

It is further stated that K N would deliver the gas to Western at two existing points of interconnection between the facilities of K N and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern). It is explained that the gas would be transported by Northern pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA), on behalf of Western, from the Tyrone delivery point, Liberal, Kansas, and the Deerfield delivery point, Deerfield, Kansas, for redelivery near Pecos, Texas, to facilities owned by Delhi Pipeline Corporation (Delhi). K N states that the gas would then be transported by Delhi, on behalf of Western, through its intrastate pipeline system in Texas for redelivery into Western's intrastate pipeline system in east Texas. Delhi would transport the gas pursuant to section 311 of the NGPA, it is submitted.

It is asserted that the proposed sale would benefit K N's customers by helping to offset declining sales in K N's market area and would also help K N to avoid potential take-or-pay obligations and to meet production levels established by various state agencies. It is also asserted that the proposed sale would augment Western's general system supply and would improve long-term gas supplies to Western's customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 12, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for K N to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–22700 Filed 8–24–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–630–000]

Lawrenceburg Gas Transmission Corp.; Application

August 21, 1984.

Take notice that on August 3, 1984, Lawrenceburg Gas Transmission Corporation (Lawrenceburg), P.O. Box 960, Cincinnati, Ohio 45201, filed in Docket No. CP84–630–000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas to The Cincinnati Gas and Electric Company (CG&E) at a new delivery point in Dearborn County, Indiana (Dearborn delivery point), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Lawrenceburg states that it purchases gas from Texas Gas Transmission Corporation (Texas Gas) and receives these supplies at the interconnection between Texas Gas and its system at the Dearborn delivery point. Lawrenceburg further states that it sells gas to CF&E, making deliveries to CG&E at the currently authorized Hamilton, Ohio, delivery point. In its application, Lawrenceburg proposes to establish a second delivery point for its sales to CG&E at the Dearborn delivery point.

Lawrenceburg asserts that by order of June 29, 1984, in Docket No. CP84–209–000 (27 FERC ¶ 61,488) the Commission directed Lawrenceburg to limit deliveries of gas to CG&E at the Hamilton delivery point to 3,000 Mcf per day. Lawrenceburg seeks authorization in Docket No. CP84–631–000 to establish two new excess gas rate schedules which would allow it to increase sales to its customers, and CG&E in particular. Therefore, in order to effectuate the proposed excess gas sales to CG&E, Lawrenceburg seeks authorization for the new delivery point in Dearborn, Indiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Lawrenceburg to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22690 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-631-000]

Lawrenceburg Gas Transmission Corp.; Application

August 21, 1984.

Take notice that on August 3, 1984, Lawrenceburg Gas Transmission Corporation (Lawrenceburg), P.O. Box 960, Cincinnati, Ohio 45201, filed in Docket No. CP84-631-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to its two jurisdictional customers under two new excess gas rate schedules, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Lawrenceburg requests authorization to establish two levels of interruptible excess gas service under proposed Rate Schedules XS-1 and XS-2. Lawrenceburg states that Rate Schedule XS-1 would apply to deliveries of natural gas in excess of its customers' contract demands under its existing Rate Schedule CDS-1, but delivered from volumes purchased by Lawrenceburg from Texas Gas Transmission Corporation (Texas Gas) under Texas Gas' Rate Schedule CD-4. The proposed charge for service under Rate Schedule XS-1 would be equivalent to the commodity charge per Mcf under Lawrenceburg's Rate Schedule CDS-1, it is explained.

Lawrenceburg states that proposed Rate Schedule XS-2 would apply to deliveries of natural gas in excess of its customers' contract demands under its existing Rate Schedule CDS-1, when such excess deliveries cannot be made out of volumes purchased by Lawrenceburg from Texas Gas under Rate Schedule CD-4. The proposed charge for service under Rate Schedule XS-2 would be equivalent to Lawrenceburg's CDS-1 demand-commodity rate calculated at 100 percent load factor, it is explained.

Lawrenceburg states that authorization of the proposed excess gas rate schedules would enable it to provide gas sales service to its customers at historical levels. In particular, Lawrenceburg asserts that the new rate schedules would allow it to resume deliveries to its customer, The Cincinnati Gas and Electric Company (CG&E), at levels at or above those before issuance of the Commission's order of June 29, 1984, in Docket No. CP84-209-000 (27 FERC ¶61,488), which directed Lawrenceburg to discontinue all sales to CG&E in excess of 3,000 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1984 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to beome a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Lawrenceburg to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22691 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT84-26-000]

MIGC, Inc.; Tariff Filing

August 21, 1984.

Take notice that on August 15, 1984, MIGC, Inc. (MIGC) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 1: Fifth Revised Sheet No. 1; Original Sheet Nos. 26 and 27.

MIGC indicates that these sheets are not in the nature of substantive tariff sheets and proposes they become effective upon receipt by the Federal Energy Regulatory 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, 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 28, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 84-22701 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-113-000]

North Penn Gas Co. v. Consolidated Gas Transmission Co.; Complaint

August 22, 1984.

Take notice that on August 10, 1984, North Penn Gas Company (North Penn) tendered for filing a Complaint against its supplier of natural gas, Consolidated Gas Transmission Company (Congas) for failure to comply with the requirements of its Rate Schedule RQ in providing natural gas service. This Complaint seeks an order directing Congas to enter into an agreement with North Penn which amends the provisions of the existing service agreement only as necessary to conform its provisions with North Penn's purchase of the maximum daily quantity of 1,900 Mcf per day under the RQ rate schedule; to file that agreement with the Commission to be effective April 1, 1983, as agreed to by Congas in February 1983 and as provided by the RQ rate schedule; to file such application or applications for certificates of public convenience and necessity as may be required by the Natural Gas Act, if any, to effectuate North Penn's election; and to refund to North Penn, with interest, the difference between the amounts collected from North Penn on the basis of purchases under the SCQ and RQ rate schedules since April 1, 1983, and the

amounts that would have been collected from North Penn on the basis of all purchases under the RQ rate schedule since that day.

Under rate schedules on file with the Federal Energy Regulatory Commission (Commission), North Penn is entitled to purchase 13,000 Mcf per day from Congas, a maximum of 1,900 Mcf per day under SCQ Rate Schedule and the balance under RQ Rate Schedule. By letter of December 30, 1982, North Penn notified Congas of its election to purchase the volumes it was entitled to purchase under the SCQ Rate Schedule under the the RQ Rate Schedule commencing April 1, 1983. By letter of February 7, 1983, Congas submitted for review to North Penn a copy of a proposed new service agreement between North Penn and Consolidated to supersede and cancel the existing service agreement dated August 23, 1954. Instead of confining the proposed new service agreement to revisions of the service agreement necessary to transfer the purchases of natural gas from the SCQ Rate Schedule to the RQ Rate Schedule, Congas proposed a new service agreement with radical changes unrelated to North Penn's election to purchase under the RQ Rate Schedule. North Penn contends that even if a new service agreement was required, the proposed new service agreement, particularly with the deletion of the deferred gas delivery provisions, is unacceptable.

North Penn asserts that Congas' insistence upon a new service agreement has unnecessarily delayed effectuation of North Penn's right to purchase its gas requirements from Congas entirely under the RQ rate schedule to the detriment of North Penn and its customers.

North Penn also requests that the time for answer by Congas to this complaint be shortened to 15 days from the date of service of the complaint.

Any person desiring to be heard or to protest said failing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 84-22702 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-611-000]

Northwest Central Pipeline Corp.; Request Under Blanket Authorization

August 21, 1984.

Take notice than on July 27, 1984, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP84-611-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) to construct and operate a new sales tap, metering and appurtenant facilities, for the direct interruptible sale of natural gas to Western Farm Management (Western) in Haskell County, Kansas, under the authorization issued in Docket No. CP82-479-001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

It is asserted that Western would use the projected 8,300 Mcf of gas per year and 90 Mcf on a peak day in its irrigation operations.

Northwest Central states that such sale would not significantly affect its overall gas supply or have any detrimental effect on existing customers.

Northwest Central has estimated the cost of the facilities at $4,868, which would be paid from available cash.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22692 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-645-000]

Northwest Pipeline Corp.; Request Under Blanket Authorization

August 22, 1984.

Take notice that on August 13, 1984, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP84-645-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northwest proposes to construct and operate a sales tap for the delivery of gas to The Washington Water Power Company (WWP), an existing customer of Northwest, under the authorization issued in Docket No. CP82-433-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest states that at the request of WWP, it proposes to establish a sales delivery point to be designated as the Christian School Tap which would be located in the southeast quarter of section 19, Township 26 North, Range 44 East, Spokane County, Washington. It is further stated that the tap would be used to provide up to 42 Mcf of natural gas per day for use in water and space heating by the Spokane Christian Center School. It is indicated that the volumes of natural gas to be delivered through the tap would be within the certificated volumes which Northwest is authorized to deliver to WWP pursuant to Northwest's ODI-1 Rate schedule. It is estimated that the cost of tap would be approximately $1,870 which cost would be reimbursed to Northwest by WWP.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22703 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-114-000]

Northwest Pipline Corp.; Filing

August 21, 1984.

Take notice that by letter filed on August 15, 1984, Northwest Pipeline Corporation (Northwest) requested the Federal Energy Regulatory Commission (Commission) to allow it to defer until September 14, 1984 its purchased gas cost adjustment (PGA) filing which normally would be made on or before August 16, 1984, and to make any change in rates attributable thereto effective on November 1, 1984, rather than the otherwise applicable date of October 1, 1984. To accomplish this, Northwest requests any necessary waivers of the Commission's regulations and of Article 16 of Northwest's FERC Gas Tariff, First Revised Volume No. 1.

Northwest states that it is currently engaged in negotiations with its Canadian pipeline supplier, Westcoast Transmission Company, Ltd. (Westcoast). Northwest anticipates these neotiations should result in a substantial reduction in Canadian gas costs which, in turn, would result in a reduction of the purchased gas cost component of Northwest's currently effective sales rates. Since Northwest and Westcoast have not actually executed an agreement, no reduction could be reflected in an August 16 filing. However, Northwest believes that, in another month, it can have a new agreement in place with Westcoast to take effect November 1, 1984.

Northwest asserts that the effect on gas costs paid by its customers during this one-month delay would be minimal since Canadian gas costs under the current Westcoast contract continue in effect through October 31, 1984. Furthermore, granting this request would avoid an "up-and-down" effect of a relatively minor increase in domestic gas costs pursuant to the Natural Gas Policy Act of 1978 on October 1, 1984, and then the anticipated substantial decrease in Canadian gas costs on November 1, 1984.

Northwest has discussed this proposal with its customers and none of them oppose it. In fact, a number of Northwest's major customers support it.

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 28, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 22704 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-634-000]

Panhandle Eastern Pipe Line Co.; Application

August 22, 1984

Take notice that on August 7, 1984, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-634-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation of natural gas by Applicant for Tonkawa Refining Company (Tonkawa), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On April 20, 1984, Applicant filed an application in Docket No. CP84-358-000 requesting authority to establish a delivery point to Tonkawa and to transport up to 2,500 Mcf per day of natural gas for Tonkawa on an interruptible basis through December 31, 1984. Such application, it is stated, also requested temporary authorization to begin the service by April 26, 1984, in order to prevent the closing of the Tonkawa refinery. It is further stated that the Commission issued a temporary certificate in Docket No. CP84-358-000 on April 25, 1984.

Applicant explains that on July 2, 1984, Tonkawa informed Applicant that it was ceasing operations and no longer required the transportation service. Therefore, Applicant proposes to abandon its service under the temporary certificate authority it received in Docket No. CP84-358-000 and to withdraw its pending application in the same docket for a permanent certificate.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22705 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-635-000]

Panhandle Eastern Pipe Line Co.; Application

August 22, 1984.

Take notice that on August 7, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-635-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Panhandle to transport natural gas on behalf of Lukens Steel Company (Lukens), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle requests Commission authorization to receive, transport, and redeliver up to 5,000 Mcf of natural gas per day on an interruptible basis on behalf of Lukens pursuant to a transportation agreement between Panhandle and Lukens dated November

29, 1983, as amended. Panhandle states that the gas to be transported is gas which Lukens is purchasing from Graham Exploration, Ltd. (Graham), pursuant to a gas purchase agreement dated November 29, 1983. Panhandle states that the transportation agreement provides for Panhandle to receive gas for Lukens' account from the existing interconnections between Panhandle and (1) the Stahlman #1 well in Ellis County, Oklahoma, (2) Natural Gas Pipeline Company of America (NGPL) in Clark County, Kansas, (3) Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), in Kiowa County, Kansas, and (4) the Gore well in Dewey County, Oklahoma. Panhandle avers that it would redeliver the gas for Lukens' account to Columbia Gas Transmission Corporation (Columbia) at existing interconnections between Panhandle and Columbia in Lucas and Paulding Counties, Ohio. It is indicated that no new facilities would be required by this application.

Panhandle explains that NGPL, Northern and Columbia provide their portions of the transportation service pursuant to § 157.209 of the Commission's Regulations; Panhandle also explains that it is currently performing this transportation under § 157.209 authority in Docket No. CP84–273–000 pending the issuance of the permanent authorization sought by this application. Panhandle states that it wishes to perform its portion of the transportation service under section 7(c) of the Natural Gas Act.

It is indicated that the term of the transportation service would be from the date of execution of what until November 29, 1985, and for successive terms of six months, unless cancelled by either party giving three months prior written notice to the other. It is further indicated that Lukens would pay Panhandle a unit transportation charge of 39.00 cents per Mcf. Panhandle states that it has sufficient capacity in its existing system to transport the quantity of gas pursuant to the transportation agreement as well as the other volumes connected to Panhandle's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 12, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Panhandle to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–22706 Filed 8–24–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GP 84–43–000]

Producer's Gas Co.; Complaint Filed Alleging Violations Under § 154.103 of the Commission's Regulations Under the Natural Gas Act and Title I of the Natural Gas Policy Act

Issued: August 21, 1984.

Take notice on July 19, 1984, Producer's Gas Company (PGC) filed a complaint with the Federal Energy Regulatory Commission (Commission) against AmQuest Corporation (respondent), pursuant to Rules 206 and 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206 and 385.207. Specifically PGC requests that the Commission enter an order declaring that certain categories of prepayments, if made to the respondent under the take-or-pay clause contained in their contract, would violate the maximum lawful price provisions of Title I of the Natural Gas Policy Act of 1978 (NGPA).

Specifically, PGC avers that the respondents sell natural gas to PGC pursuant to certain intrastate contracts which contain take-or-pay provisions. Based upon the take-or-pay provisions contained in its contract with PGC, the respondent brought suits against PGC in the state District Court, Dallas County Texas, 162 Judicial District [1] alleging, *inter alia,* that contrary to the take-or-pay clause contained in their contract, PGC has failed to pay for volumes of natural gas of which it has been unable to take receipt. PGC alleges that only the Commission has the expertise to determine whether payment pursuant to a take-or-pay clause for volumes not taken would constitute a violation of Title I of the NGPA. PGC states further that the Commission has jurisdiction over this matter. *George P. Post d/b/a Post Petroleum v. Perry Gas Transmission, Inc. et al.,* Civil Action No. 2–83–158 (December 15, 1983).

Any person desiring to be heard or to make any protest to this complaint should file, within 30 days after this notice is published in the **Federal Register,** with the Federal energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or .211 (1982)). All protests filed will be considered but not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–22693 Filed 8–24–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ST81–38–002, et al.]

Tennessee Gas Pipeline Co., et al.; Extension Reports

August 21, 1984.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding

[1] AmQuest Corporation v. Producer's Gas Company, Cause No. 83–16623 (filed December 31, 1983).

the effective date of the requested extension.

The table below lists the name and address of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. Three other symbols are used for transactions pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations. A "G(HS)" indicates transportation, sale or assignments by a Hinshaw pipeline; A "G(LT)" indicates transportation by a local distribution company, and a "G(LS)" indicates sales or assignments by a local distribution company.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before September 28, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST81-38-002	Tennessee Gas Pipeline Co., P. O. Box 2511, Houston, TX 77001	Transcontinental Gas Pipe Line Corp.	07-24-84	G	10-28-84
ST81-49-002	Trunkline Gas Co., P. O. Box 1642, Houston, TX 77001	Consumers Power Co.	07-30-84	B	10-31-84
ST81-85-002	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Valero Transmission Co., *et al.*	07-25-84	C	10-28-84
ST81-306-002	Oasis Pipe Line Co., 1200 Travis, Box 1188, Houston, TX 77001	Natural Gas Pipeline Co. of America	07-30-84	C	11-07-84
ST83-22-001	GHR Pipeline Corp., 523 North Belt East, Suite 600, Houston, TX 77060	Transcontinental Gas Pipe Line Corp.	07-17-84	C	10-19-84
ST83-43-001	United Texas Transmission Co., P. O. Box 1478, Houston, TX 77001	Transcontinental Gas Pipe Line Corp.	07-16-84	C	10-19-84
ST83-57-001	Louisiana Intrastate Gas Corp., P. O. Box 1352, Alexandria, LA 71301	Texas Eastern Transmission Corp.	07-16-84	C	10-29-84
ST83-77-001	Texas Eastern Transmission Corp., P. O. Box 2521, Houston, TX 77001	Valero Transmission Co.	07-23-84	B	11-02-84
ST83-83-001	Oasis Pipe Line Co., 1200 Travis, Box 1188, Houston, TX 77001	Tennessee Gas Pipeline Co.	07-30-84	C	11-01-84
ST83-99-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	ANR Pipe Line Co.	07-19-84	G	11-05-84
ST83-102-001	Panhandle Eastern Pipe Line Co., P. O. Box 1642, Houston, TX 77001	Trunkline Gas Co.	07-31-84	G	10-29-84
ST83-120-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Consolidated Gas Transmission Corp.	07-19-84	G	10-19-84
ST83-152-001	Northern Natural Gas Co. 2223 Dodge St., Omaha, NE 68102	Rael Gas Co.	07-19-84	B	12-01-84
ST83-154-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Producer's Gas Co.	07-26-84	B	11-01-84
ST83-183-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Tennessee Gas Pipeline Co.	07-19-84	G	12-17-84
ST83-184-001	Trailblazer Pipeline Co., P. O. Box 1208, Lombard, IL 60148	Tennessee Gas Pipeline Co.	07-25-84	G	10-26-84
ST83-196-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Tennessee Gas Pipeline Co.	07-19-84	G	12-17-84
ST83-261-001[1]	Columbia Gulf Transmission Co., P. O. Box 683, Houston, TX 77001	Monterey Pipeline Co.	07-17-84	B	10-13-84
ST83-458-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Michigan Gas Utilities Co.	07-25-84	B	10-31-84
ST83-459-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Ohio Valley Gas Corp.	07-25-84	B	10-31-84
ST83-460-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	North Central Public Service Co.	07-25-84	B	10-31-84
ST83-461-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Ohio Gas Co.	07-25-84	B	10-31-84
ST83-462-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Wisconsin Power and Light Co.	07-25-84	B	10-31-84
ST83-463-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Wisconsin Public Service Corp.	07-25-84	B	10-31-84
ST83-464-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	City Gas Co.	07-25-84	B	10-31-84
ST83-465-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Lincoln Natural Gas Co.	07-25-84	B	10-31-84
ST83-466-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Fountaintown Gas Co.	07-25-84	B	10-31-84
ST83-467-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Michigan Power Co.	07-25-84	B	10-31-84
ST83-468-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Paris-Henry County Public Utility District	07-25-84	B	10-31-84
ST83-473-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Iowa Southern Utilities Co.	07-25-84	B	10-31-84
ST83-474-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Wisconsin Natural Gas Co.	07-25-84	B	10-31-84
ST83-475-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Wisconsin Gas Co.	07-25-84	B	10-31-84
ST83-476-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Wisconsin Fuel and Light Co.	07-25-84	B	10-31-84
ST83-758-001	Consolidated Gas Transmission Corp., 445 West Main St., Clarksburg, WV 26302.	Tennessee Gas Pipeline Co.	07-18-84	G	12-07-84

[1] These extension reports were filed after the date specified by the Commission's Regulation, and shall be the subject of a further Commission order.

NOTE.—The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.

[FR Doc. 84-22694 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-310-002]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

August 22, 1984.

Take notice that on August 3, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed a petition to amend the Commission's order issued March 2, 1984, in Docket No. CP83-310-000, pursuant to section 7(c) of the Natural Gas Act so as to authorize a reduction in the amount of gas transported for Gulf Oil Exploration and Production Company, a Division of Gulf Oil Corporation (Gulf Oil), from 50,000 Mcf per day to 30,000 Mcf per day, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By Commission order issued in Docket No. CP83-310-000, Tennessee was authorized to render two separate transportation services for Gulf Oil. It is explained that the first service, perormed on a firm basis, begins with Tennessee's receiving the gas into its jointly-owned Project Sabine [1] offshore facilities in Sabine Pass Block 11 (SP-11), offshore Louisiana, for transportation onshore and thence via Tennessee's capacity entitlement in Transco's Southwest Louisiana Gathering System (SWLGS) terminating at the interconnection of Tennessee's 30-inch Kinder-Sabine Line in Calcasieu Parish, Louisiana. Tennessee states that the second phase of the transportation service,[2] rendered on an interruptible

[1] It is submitted that offshore Project Sabine is owned by Tennessee and Florida Gas Transmission Company (FGT) and the onshore portion is owned by Tennessee, FGT, and Transcontinental Gas Pipe Line Corporation (Transco).

[2] Called the "Downstream Transportation Service".

basis, is via the Kinder-Sabine facilities where the gas is delivered to Texas Eastern Transmission Corporation in Allen Parish, Louisiana.

Tennessee states the proposed amendment of the transportation quantities of gas is based upon Gulf Oil's revised reduced deliverability estimates which more accurately reflect the volumes Gulf Oil expects to have available from SP-11.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 12, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Prodecure (81 CFR 385.214 or 385.211) and the Regulatoios under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb

Secretary

[FR Doc. 84-22707 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-629-000]

Transcontinental Gas Pipe Line; Request Under Blanket Authorization

August 22, 1984

Take notice that on August 2, 1984, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP84-629-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Transco proposes to transport natural gas on behalf of Public Works Commission of the City of Fayetteville, North Carolina (PWC-Fayetteville), under the authorization issued in docket No. CP82-426-000 pursuant to section 7 of the Naural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Transco proposes to transport up to 12,000 dt equivalent of natural gas per day for use in PWC-Fayetteville's electric generating plant for a term ending June 30, 1985. It is stated that the gas to be transported would be purchased from GHR Energy Corporation (GHR) and would be used as boiler fuel at the electric generating plant. It is indicated that Transco would receive the gas at existing interconnections with GHR in the Agua Dulce field, Nueces County, Texas, the Conoco-Driscoll lateral in Duval County, Texas, and in Webb and Zapata Counties, Texas, and would redeliver such gas to North Carolina Natural Gas Corporation, the distribution company serving PWC-Fayettevile.

Transco states that it would charge the currently applicable transportation rate in accordance with its Rate Schedule T-II, FERC Gas Tariff, Second Revised Volume No. 1.

Transco also requests authorization in Docket No. CP84-629-000 to provide flexible authority on behalf of PWC-Fayetteville to add and/or delete sources of gas and/or receipt or delivery points. With respect to such flexible authority Transco states that it would undertake within 30 days of the addition or deletion of any gas suppliers and/or receipt or delivery points, to file with the Commission the following information:

(1) A copy of the gas purchase contract between the seller and PWC-Fayetteville;

(2) A statement as to whether the supply is attributable to gas under contract to and released by a pipeline or distributor, and if so, identification of the parties and specification of the current contract price;

(3) A statement of the Natural Gas Policy Act of 1978 (NGPA) pricing categories of the added supply, if released gas, and the volumes attributable to each category;

(4) A statement that the gas is not committed or dedicated within the meaning of the NGPA Section 2(18);

(5) Location of the receipt/delivery points being added or deleted;

(6) Where an intermediary participates in the transaction between the seller and end-user, the information required by § 157.209(c)(ix); and

(7) Identity of any other pipeline involved in the transportation.

Transco submits that any changes made pursuant to such flexible authority would be on behalf of the same end-user, PWC-Fayettevile, for use at the same end-use location and would remain within daily and annual volume levels proposed herein.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 15.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary

[FR Doc. 84-22708 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-616-000]

Trunkline Gas Co.; Application

August 22, 1984.

Take notice that on July 30, 1984, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-616-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Intrastate Gathering Corporation (Intrastate), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation agreement between Applicant and Intrastate dated January 23, 1984, it would transport on an interruptible basis, up to 50,000 Mcf of natural gas per day for Intrastate. It is explained that Applicant would receive volumes of natural gas for Intrastate's account at an existing interconnection with the Tenneco Ward Gas Processing Plant in Hidalgo County, Texas, and would redeliver thermally equivalent volumes less fuel use and shrinkage, if applicable, at an existing point of interconnection with Intrastate in Waller County, Texas. For the transportation service, Applicant proposes to charge Intrastate a unit rate of 15.16 cents per Mcf of natural gas received at the point of receipt.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 12, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be

considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22709 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-566-000]

Webster Brick Co. Inc., Complainant; Columbia Gas Transmission Corp., Respondent; Complaint and Request for Emergency Stay and Investigation

August 22, 1984.

Take notice that on July 2, 1984, Webster Brick Company, Inc. (Webster Brick), P.O. BOX 12887, Roanoke, Virginia 24029, filed in Docket No. CP84-566-000 pursuant to Rule 206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206) a complaint and a request for an emergency stay directing Columbia Gas Transmission Corporation (Columbia) to restore transportation service on behalf of Webster Brick and, if necessary, establish an investigation, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

Webster Brick states that pursuant to a gas purchase agreement dated January 31, 1984, it purchases from R. Gene Brasel (Brasel) natural gas produced by Brasel from oil and gas wells located in Meigs and Gallia Counties, Ohio. It is indicated that on May 21, 1984, Columbia filed in Docket No. CP84-432-000 a request for authority to transport up to 1,225 dt equivalent of natural gas per day pursuant to § 157.209 of the Commission's Regulations and under the blanket certificate issued in Docket No. CP83-76-000. It is indicated that the transportation service is performed pursuant to a gas transportation agreement (Agreement) dated March 15, 1984, among Columbia, Webster Brick, Commonwealth Gas Pipeline Corporation and Commonwealth Gas Services, Inc. Commonwealth Gas Services, Inc. is the distribution company serving Webster Brick and it and Commonwealth Gas Pipeline Corporation are affiliates of Columbia, it is averred.

Webster Brick states that on or about June 15, 1984, Columbia, Commonwealth Gas Pipeline Corporation and Commonwealth Gas Services, Inc. unlawfully terminate the subject transportation service and that this termination is in violation of the Agreement and Rate Schedule TS-1 of Columbia's FERC Gas Tariff Original Volume 1-A. Webster Brick further states that this termination has resulted in irreparable injury to Webster Brick in the form of lost product, inability to match brick on orders partially completed, other loss of business and higher fuel costs. Webster Brick indicates that on information and belief, Columbia continued to take gas from Brasel after terminating service to Webster Brick and has unlawfully converted such volumes to its own use.

Webster Brick therefor requests that the Commission issue an emergency stay directing Columbia to restore transportation service to Webster Brick and if necessary, initiate an investigation under Section 14 of the Natural Gas Act to investigate all facts, conditions, practices and matters related to the subject transportation.

Any person desiring to be heard or to make any protest with reference to said filing should on or before

September 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22710 Filed 8-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-153-002]

Panhandle Eastern Pipe Line Co.; Amendment to Application

Correction

In FR Doc. 84-21560 beginning on page 32667 in the issue of Wednesday, August 15, 1984, the docket number should read as set forth above.

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FRL-2659-5]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget for review. The ICR describes the nature of the solicitation and the expected impact, and, where appropriate, includes the actual data collection instrument. The following ICRs are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: Martha Chow; Office of Standards and Regulations; Regulation and Information Management Division (PM-223); U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Research Programs

- *Title:* Survey of University and Industry Research on Environmental Pollution (EPA #1228).

Abstract: This one-time survey will provide information on the cross-media research that universities and companies are doing on pollution control. EPA will use this information in conducting research and development and in program planning.

Respondents: U.S. universities and industries doing chemical engineering-related research and design on pollution controls.

Agency PRA Clearance Requests Completed by OMB

EPA #0574, Amendment to OMB Clearance for Premanufacture Notification Rules—SNUR Recordkeeping Requirement, was approved 2 August 1984 (OMB #2070–0012).

EPA #1088, NSPS for Industrial-Commercial-Institutional Steam Generating Units—Reporting and Recordkeeping, was approved 3 August 1984 (OMB #2060–0072).

* * * * *

Comments on all parts of this notice should be sent to:

Martha Chow (PM–223), U.S. Environmental Protection Agency, Office of Standards and Regulations, Regulation and Information Management Division, 401 M Street, SW., Washington, D.C. 20460, and

Wayne Leiss, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: August 20, 1984.

Daniel J. Fiorino,

Acting Director, Regulation and Information Management Division.

[FR Doc. 84–22534 Filed 8–24–84; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59164A; FRL 2660–1]

Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME–84–65. The test marketing conditions are described below.

EFFECTIVE DATE: August 17, 1984.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hammett, Acting Chief, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–202, 401 M St., SW., Washington, DC 20460, (2020–382–3725).

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–84–65. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and retrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the level and duration of exposure must not exceed those specified in the application. All other conditions and restrictions described in the application and this notice must be met.

TME 84–65

Date of Receipt: July 6, 1984.

Notice of Receipt: July 20, 1984 (49 FR 29450).

Applicant: Phillips Chemical Company.

Chemical: (G) Sulfur-containing polyalklene oxide.

Use: (G) Cleaning agent.

Production Volume: 22,700 kg.

Number of Customers: 200

Worker Exposure: Manufacturing: dermal, up to 31 grams per day for up to 5 days, to as many as 7 workers. Processing: one site; dermal, up to 39 grams per day for up to 4 hours, up to 15 days, to a total of 2 workers. Use: up to 200 sites; dermal, up to 39 grams per day for one or 2 workers per site, 8 hours per day, 5 days per week to 1 or 2 workers per site.

Test Marketing Period: 12 months.

Commencing on: August 17, 1984.

Risk Assessment: EPA identified no significant health concerns. EPA estimates the chemical may be toxic to fish at concentrations of 5 mg/l; however, because the chemical will be disposed of by deep well injection, no significant environmental releases are expected. Therefore, 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 restictions 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 17, 1984.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 84–22658 Filed 8–24–84; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–00058; FRL 2659–7]

Interagency Toxic Substances Data Committee; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Open Meetings.

SUMMARY: This notice announces the next two meetings of the Interagency Toxic Substances Data Committee. The meetings are open to the public.

DATE: The meetings will take place from 9:30 a.m. to 12:30 p.m. on September 11, 1984 and November 13, 1984.

ADDRESS: The meetings will be held in the: First Floor Conference Room, Council on Environmental Quality, 722 Jackson Pl., NW., Washington, D.C. 20006.

Please use the entrance on Jackson Place.

FOR FURTHER INFORMATION CONTACT: Sandra Lee (TS–777), Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–611G, 401 M St., SW., Washington, D.C. 20460, (202–382–2249).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee usually are held on the first Tuesday of alternate months. The next two meetings have been scheduled for the second Tuesday of September and November to avoid conflict with the Labor Day weekend and Election Day.

Dated: August 20, 1984.

Sandra Lee,

Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 84–22660 Filed 8–24–84; 8:45 am]

BILLING CODE 6560–50–M

[A-9-FRL-2660-5]

Approval of Prevention of Significant Air Quality Deterioration (PSD) Permit to Petro Lewis Corp. (EPA Project Number SJ 83-09)

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice is hereby given that on August 7, 1984 the Environmental Protection Agency issued a PSD permit to the applicant named above granting approval to construct five 50 MMBTU/hour steam generators and associated equipment to be located at the South Belridge Oil Field, Kern County, California. This permit has been issued under EPA's PSD regulations (40 CFR 52.21) and is subject to certain conditions, including allowable emission rates as follows: NO_x at 7.55 lbs/hr and SO_2 at 3.25 lbs/hr.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address request to: Rhonda Rothschild (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, 454-7413 or (415) 974-7413.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include the use of low NO_x burners and two-stage venturi-eductor scrubbers. Air Quality Impact modeling was required for NO_x and SO_2. Continuous monitoring is required and the source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by October 26, 1984.

Dated: August 15, 1984.

David P. Howekamp,

Director, Air Management Division, Region 9.

[FR Doc. 84-22663 Filed 8-24-84; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL-2660-4]

Approval of Prevention of Significant Air Quality Deterioration (PSD) Permit to Collins Pine Co. (EPA Project Number SAC 84-02)

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice is hereby given that on August 3, 1984 the Environmental Protection Agency issued a PSD permit to the applicant named above granting approval to construct a 242 MMBTU/hour wood waste-fired boiler to be located at Collins Pine Company's existing wood mill in Chester, Plumas County, California. This permit has been issued under EPA's PSD regulations (40 CFR 52.21) and is subject to certain conditions, including allowable emission rates as follows: NO_x at 0.02 lb/MMBTU (maximum 48.5 lbs/hr), CO at 0.35 lb/MMBTU, VOC at 0.15 lb/MMBTU, and TSP at 9.7 lbs/hr.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address request to: Rhonda Rothschild (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, 454-7413 or (415) 974-7413.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include the boiler design with low underfire and high overfire air, and the use of a multiclone dust collector followed by an electrostatic precipitator. Air Quality Impact modeling was required for TSP. Continuous monitoring is required and the source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by October 26, 1984.

Dated: August 13, 1984.

David P. Howekamp,

Director, Air Management Division, Region 9.

[FR Doc. 84-22664 filed 8-24-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59166A; FRL-2660-2]

Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-84-73. The test marketing conditions are described below.

EFFECTIVE DATE: August 17, 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, DC 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 pruposes 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-84-73. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and retrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the level and duration of exposure must not exceed those specified in the application. All other conditions and restrictions described in the application and this notice must be met.

TME-84-73

Date of Receipt: June 20, 1984.

Notice of Receipt: August 3, 1984 (49 FR 31136).

Applicant: Hercules Incorporated.

Chemical: (G) Aromatic polyester polyol.

Use: (G) Destructive use as chemical intermediate for polymer manufacture.

Production Volume: 61,364 kg.

Number of Customers: Confidential.

Worker Exposure: Confidential.

Test Marketing Period: 6 months.

Commencing on: August 17, 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 present any unreasonable risk to injury to health or the environment.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restictions 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 17, 1984.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 84-22657 Filed 8-24-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title: Crisis Counseling Assistance and Training

Type: Regular Submission

Abstract: In order to obtain a Crisis Counseling Grant, the State Agency named by the Governor, usually the State Mental Health Department, must send a letter and plan of services to FEMA, and also report quarterly if the project is approved and funded.

Type of respondents: State or Local Governments

Number of respondents: 15

Burden hours: 1,720

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 287-9906, 500 C Street, SW., Washington, D.C. 20472.

Comments should be directed to Mike Weinstein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, D.C. 20503.

Walter A. Girstantas,

Director, Administrative Support.

[FR Doc. 84-22641 Filed 8-24-84; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-REP-9-AZ-1]

Fixed Nuclear Facility Offsite Emergency Response Plan, State of Arizona, County of Maricopa

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the United States Nuclear Regulatory Commission requires approval of licensee and state and local governments' radiological emergency response plans. Since the Federal Emergency Management Agency (FEMA) has a responsibility for reviewing state and local government plans, the State of Arizona/County of Maricopa has submitted its radiological emergency plan to the FEMA Regional Office. The plan supports a nuclear power plant which impacts on the State of Arizona and includes those local governments near the Arizona Public Service Company's Palo Verde Nuclear Power Plant located in Maricopa County, Arizona.

DATE: Date plans received: July 24, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Vickers, Regional Director, FEMA Region IX, Building 105, Presidio of San Francisco, California 94129, (415) 556-9881.

Notice

In support of the Federal requirement for emergency response plans, FEMA Final Rule 44 CFR Part 350 describes the procedures for review and approval of state and local governments' radiological emergency response plans. Pursuant to this rule, the State of Arizona/County of Maricopa Fixed Nuclear Facility Offsite Emergency Response Plan was received by the FEMA Region IX. The offsite plan includes both the State of Arizona and the County of Maricopa Plan.

Copies of the plan are available for review at the FEMA Region IX Office, or it will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in 44 CFR 350. There are approximately 300 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the plan may be submitted in writing to Mr. Robert L. Vickers, Regional Director, at the above address within thirty days of this **Federal Register** Notice.

FEMA Rule 44 CFR Part 350 calls for a public meeting prior to approval of the plan. Details of meeting were announced at least two weeks prior to the scheduled meeting through the local media with Phoenix and adjacent cities in the County of Maricopa, Arizona. The required public meeting was held on May 16, 1983 at the Best Western Crossroads Inn, Goodyear, Arizona.

Dated: August 17, 1984.

Robert L. Vickers,

Regional Director.

[FR Doc. 84-22642 Filed 8-24-84; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL RESERVE SYSTEM

FS Bancshares, Inc.; Formation of; Acquisition by; or Merger of Bank Holding Companies

The Company listed in this notice has 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 225.24) 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)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application 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.

Comments regarding this applications must be received not later than September 17, 1984.

A. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *FS Bancshares, Inc.*, Stetsonville, Wisconsin; to become a bank holding company by acquiring 88.38 percent of the voting shares or assets of Farmers State Bank, Stetsonville, Wisconsin.

Board of Governors of the Federal Reserve System, August 21, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-22716 Filed 8-24-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR A-40, Supp. 11]

Change to Federal Travel Regulations

AGENCY: Office of Federal Supply and Services, GSA.

ACTION: Notice of changes to Federal Travel Regulations (FTR).

SUMMARY: GSA has issued GSA Bulletin FPMR A-40, Supplement 11, to prescribe

guidelines under which each agency shall carry out its responsibilities relating to the use of relocation companies. These new provisions are authorized by section 118 of Pub. L. 98–151 (97 Stat. 977) approved November 14, 1983.

EFFECTIVE DATE: The new provisions in Part 12 of chapter 2 of the FTR are effective for employees whose effective date of transfer is on or after November 14, 1983, the date of enactment of Pub. L. 98–151. For purposes of these regulations, the effective date of transfer is the date on which the employee reports for duty at the new official station.

FOR FURTHER INFORMATION CONTACT: Staff Members, Travel and Transportation Regulations Division, (703) 557–1253 or 557–1256.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Previous Implementation of Relocation Allowances Changes

GSA Bulletin FPMR A–40, Supplement 10, issued March 13, 1984, and effective November 14, 1984, implemented the inceased allowance levels enacted by Pub. L. 98–151 for household goods, temporary quarters, and the maximum dollar amount for reimbursement to an employee for expenses incurred in purchasing a residence at the new official station; extended the eligibility for travel and transportation at Government expense to the first duty station to certain Presidential appointees; and provided that an employee be given reasonable advance notice of transfer or reassignment. (See 49 FR 13920–13924, April 9, 1984.) The Administrator of General Services issued a policy letter on June 21, 1984, to the Heads of Executive, Judicial and Legislative Agencies, Military Departments and Independent Establishments, providing advice on the potential tax liability of employees resulting from reimbursement for relocation expenses and preliminary guidelines to agencies for the use of relocation service companies.

Procedures for the calculation and payment of the relocation income tax allowance covering additional income tax liability incurred by employees as a result of relocation expense reimbursements will be implemented in a later supplement to the FTR. It will be effective for transfers on or after November 14, 1984.

Notice of implementation

The FTR, Chapter, 2, Part 12, transmitted by GSA Bulletin A–40, Supplement 11, implements 5 U.S.C. 5724c relating to the use of relocation service companies which was enacted by Pub. L. 98–151. This is the second of three changes implementing relocation allowance provisions of that law. This change to the FTR is issued pursuant to authority delegated to the Administrator of General Services by E.O. 12466, February 27, 1984.

Funding

Agencies are advised that any additional costs associated with the increased relocation allowances authorized by Pub. L. 98–151 cannot exceed funds authorized and appropriated. Section 118(b) of Pub. L. 98–151, November 14, 1983, provides that, "The amendments made by subsection (a) [enacting sections 5724b and 5724c and amending sections 5723, 5724, 5724a, and 5726 of Title 5, United States Code] shall be carried out by agencies by use of funds appropriated or otherwise available for the administrative expenses of each of such respective agencies. The amendments made by such subsection do not authorize the appropriation of funds in amounts exceeding the sums already authorized to be appropriated for such agencies." To the extent that the additional services and allowances authorized by Pub. L. 98–151 increase the cost of relocations, agencies may find it necessary to reassess their relocation policies and practices because increased costs may further limit the number of employees that can be relocated.

Explanation of changes

Supplement 11 amends the FTR by adding Part 12 to Chapter 2, Relocation Allowances, to implement the new provisions relating to the use of relocation service companies. Part 11 is added and reserved.

Accordingly the Federal Travel Regulations are amended as follows:

CHAPTER 2. RELOCATION ALLOWANCES

1. Authority: (Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)); 5 U.S.C. 5707; Executive Order No. 11609, July 22, 1971 and No. 12466, February 27, 1984)

2. Chapter 2 of the FTR is amended by adding and reserving Part 11 and by adding Part 12 to read as follows:

Part 11—[Reserved]

Part 12—Use of Relocation Service Companies

2–12.1 *Authority.* The law (5 U.S.C. 5724c) specifically provides each agency (as defined in 5 U.S.C. 5721 and FTR 2–1.4c) with the discretionary authority to enter into contracts with private firms to provide relocation services to agencies and employees. Such services include, but need not be limited to, arranging for the purchase of a transferred employee's residence. Agencies exercising this discretionary authority shall carry out their responsibilities under 5 U.S.C. 5724c within the guidelines of this directive. These guidelines are issued under the authority delegated to the Administrator of General Services by Executive Order No. 12466 dated February 27, 1984.

2–12.2. *Policy.* The Government recognizes every dollar spent on the relocation of civilian employees as a cost of doing business that should specifically be directed towards meeting the highest priority needs of the agency's mission and its programs. Use of the newly authorized relocation services may provide agencies with a vehicle to improve the treatment of employees who are directed to relocate and thereby facilitate retention of well-qualified employees. To the extent that these new services and the increased relocation entitlements and allowance maximums increase the overall cost of relocations, agencies may find it necessary to reassess their relocation policies and practices because increased costs may further limit the number of employees that can be relocated.

2–12.3. *Agency responsibilities.* It is the responsibility of each agency head, or his/her designee, to determine whether, to what extent, and under what conditions relocation services will be made available to employees transferring within the agency and those transferred between agencies. This determination will be made based on an analysis of the agency's relocation needs, availability of funds, and in accordance with these guidelines.

2–12.4. *General conditions and limitations for eligibility.*

a. *Employees covered.* Relocation services may be made available to employees only when both of the following conditions are met:

(1) The employee's transfer from one official station to another is determined to be in the interest of the Government and is not primarily for the convenience or benefit of the employee or at his/her request; and

(2) The effective date of the employee's transfer is on or after November 14, 1983 (the effective date of transfer is the date the employee reports for duty at the new official station as provided in 2–1.4j).

b. *Persons excluded from coverage.* The provisions of this part are not applicable to the following individuals/employees:

(1) New appointees, including those covered under 2–1.5f (i.e., new appointees to shortage category and Senior Executive Service positions and Presidential appointees);

(2) Employees assigned under the Government Employees Training Act (5 U.S.C. 4109); or

(3) Employees assigned or transferred to or from a post of duty in a foreign area.

2–12.5. *Procedural requirements and controls.*

a. *Employee option.* Employees offered use of relocation services by their agencies should be given the option to accept or reject the offer.

b. *Dual benefit prohibited.* Once an employee is offered, and decides to use, the services of a relocation company, reimbursement to the employee shall not be allowed for expenses authorized under Chapter 2, Parts 1 through 10, that are analogous or similar to expenses or the cost for services that the agency will pay for under the relocation service contract.

c. *Service agreements.* The employee must have signed a service agreement as required in 2–1.5a(1)(a). In the event the employees violates the terms of the agreement, the Government reserves the right to recover from the employee any and all payments made to the relocation company on the employee's behalf.

d. *Ineligible individuals.* Agencies should not make payments to relocation companies that will benefit ineligible individuals. For example, where joint ownership of a residence exists between an eligible transferring employee and a non-government employee, the benefits derived from relocation services could accrue equally to the ineligible party. This type of situation is addressed for direct reimbursements of real estate expenses under 2–6.1f; similar provisions should be made for relocation service contracts.

2–12.6. *Form and scope of relocation service contracts.* Once a decision has been made by the agency to enter into contracts to provide relocation services to its employees (see 2–12.3 and 2–12.4), the agency shall recognize the following:

a. *General considerations.*

(1) Contracts for relocation services shall be awarded through a competitive process to ensure compliance with procurement law and attain the best possible service to meet a particular agency's relocation needs at the least cost to the agency. Agencies should attempt to assure that adequate geographic coverage exists.

(2) Relocation companies offer a wide variety of services to assist the relocating employee. Subject to these regulatory guidelines, each agency will determine through its contracts with the relocation companies the exact nature of the services to be offered its employees. Since the use of relocation companies could entail costs substantially in excess of those authorized in Chapter 2, Parts 1 through 10 of this regulation, agencies should exercise prudent management discretion when deciding which relocation services should be included in the contracts.

b. *Requirement that contracts not violate other regulatory or statutory provisions.*

(1) GSA has established certain programs in travel and transportation that agencies are required to use. The fact that relocation companies may offer similar services does not override this requirement, and therefore contracts with relocation companies may not include such services. Examples are the centralized household goods traffic management program, the airline contracts and travel management centers.

(2) Federal agencies should ensure that contracts with relocation companies that are on a cost reimbursable basis include only those services that are analogous to the allowable expenses authorized in FTR Chapter 2, and that the payments for such services are limited to the maximum amounts specified in the FTR. Agencies must recognize that the statute and FTR provisions contain certain limitations and restrictions which are not overridden by the new authority for relocation services. For example, the law:

(a) Prohibits payment for market losses. The provisions of 5 U.S.C. 5724(a)(4) which authorize reimbursement for the expenses of the sale and purchase of employee's residence also provide that "reimbursement may not be made for losses on the sale of the residence." As implemented in 2–6.2e, losses due to failure to sell a residence at the old official station at the price asked, at its current appraised value, or at its original cost, or due to failure to buy a dwelling at the new official station at a price comparable to the selling price at the old official station, and any similar losses, are not reimbursable.

(b) Does not provide for payment of mortgage interest differentials. A mortgage interest differential is the difference between the interest rate of the mortgage on the residence at the old official station and the interest rate of the mortgage on the residence being purchased at the new official station.

(c) Does not authorize purchase of an employee's home. The law (5 U.S.C. 5724c) authorizes agencies to enter into contracts for relocation services and provides that such services may include "arranging for the purchase of a transferred employee's residence." However, it does not authorize the Government to become a homeowner either by direct purchase of the home from the employee or by taking title to the employee's home through the relocation company.

c. *Advantage of flat-fee contracts.* If a relocation company agrees to accept the responsibilities of ownership for the transferred employee's residence after payment of a one-time flat fee by an agency, it would be offering a service clearly distinguishable from those discussed in b(2), above. Once the flat fee is established, it is paid instead of the actual expenses that normally would be paid by an agency under a cost reimbursable contract. This type of arrangement is advantageous in that it limits the Government's financial obligation and simplifies administrative procedures in accounting for costs.

2–12.7. *Income tax consequences of using relocation companies.* In entering into contracts with relocation companies, agencies should consider the income tax consequences for the employee. Certain payments on behalf of the employee to a relocation company may constitute taxable income to the employee, depending on the specific terms of the contract. Under the provisions of 5 U.S.C. 5724b, additional taxes resulting from such income would not be covered by the relocation income tax allowance gross-up procedures. For further information relating to the income tax consequences of payments to relocation companies, agencies should contact the Internal Revenue Service, 1111 Constitution Avenue, NW. (CC:INC:I), Room 5019, Washington, D.C. 20224.

Dated: July 25, 1984.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 84-22610 Filed 8-24-84; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84M-0007]

BSD Medical Corp.; Approval of Supplement to the Premarket Approval Application for the BSD-1000 Hyperthermia System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the BSD-1000 Hyperthermia System sponsored by BSD Medical Corp., Salt Lake City, UT. After reviewing the recommendation of the Radiologic Devices Panel, FDA notified the sponsor that the supplemental application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by September 26, 1984.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, Center for Devices and Radiological Health (HFZ-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On November 28, 1983, FDA approved an application for premarket approval of the BSD-1000 Hyperthermia System for use in the palliative management of certain solid surface and subsurface malignant tumors (i.e., melanoma, squamous- or basal-cell carcinoma, adenocarcinoma, or sarcoma) that are progressive or recurrent despite conventional therapy. The application was submitted by BSD Medical Corp., Salt Lake City, UT 84108. In the **Federal Register** of January 25, 1984 (49 FR 3140), FDA announced that the application had been approved and also that other uses of the device, including use as an adjunct to radiation therapy remained investigational. On November 28, 1983, BSD Medical Corp. submitted to FDA a supplemental application for premarket approval of the BSD-1000 Hyperthermia System for use in conjunction with radiation therapy. After reviewing the recommendation of the Radiologic Devices Panel, an FDA advisory committee, with respect to the original application, FDA, on July 24, 1984, approved the supplemental application by a letter to the sponsor from the Director of the Office of Device Evaluation of the Center for Devices and Radiological Health.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Center for Devices and Radiological Health—contact Charles H. Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 26, 1984, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 17, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-22617 Filed 8-24-84; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Advisory Committee; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of September 1984:

Name: National Advisory Council on Nurse Training.

Date and Time: September 10-12, 1984, 8:30 a.m.

Place: Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on September 10, 9:00 a.m.-11:00 a.m.

Closed for remainder of meeting.

Purpose

The Council advisers the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of Title XXVII, National Health Service Corps, Health Professions Education, Nurse Training Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRSA.

Agenda

Agenda items for the open portion of the meeting will cover announcements; consideration of minutes of the previous meeting; reports by the Administrator, Health Resources and Services Administration, the Director, Bureau of Health Professions, the Financial Management Officer, BHPr., the Director, Division of Nursing, and staff reports. The meeting will be closed to the public on September 10, 1984, at 11:00 a.m. for the remainder of the meeting for the review of grant applications for advanced nurse training

grants, nurse practitioner grants, special project grants, and research project grants. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources and Services Administration, pursuant to section 10(d) of Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should write to or contract Dr. Mary S. Hill, Bureau of Health Professions, Health Resources and Services Administration, Room 5C–04, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6193.

Agenda items are subject to change as priorities dictate.

Dated: August 21, 1984.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 84–22872 Filed 8–24–84; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N–84–1437]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirement described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755–6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

This Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Recognition Request Documentation
Office: Fair Housing and Equal Opportunity
Form number: None
Frequency of submission: On Occasion
Affected public: State or Local Governments
Estimated burden hours: 30
Status: New
Contact: Steven J. Sacks, HUD, (202) 426–3500; Robert Neal, OMB, (202) 395–7316

Proposal: Report on Occupancy for Public and Indian Housing
Office: Public and Indian Housing
Form number: HUD–51234
Frequency of submission: Annually
Affected public: State or Local Governments and Non-Profit Organizations
Estimated burden hours: 2,800
Status: Extension
Contact: Edward C. Whipple, HUD, (202) 426–0744; Robert Neal, OMB, (202) 395–7316

Proposal: Fiscal Data in Support of Claim for Insurance Benefits
Office: Administration
Form number: HUD–2742
Frequency of submission: On Occasion
Affected public: State or Local Governments and Businesses or Other For-Profit
Estimated burden hours: 75
Status: Reinstatement
Contact: Eugene Morroni, HUD, (202) 755–7523; Robert Neal, OMB, (202) 395–7316

Proposal: Property Disposition Multifamily Properties, Handbook 4315.1
Office: Housing Form number: HUD–9620A and FHA–1240
Frequency of submission: On Occasion and Daily
Affected public: Individuals or Households, Businesses or Other For-Profit, and Small Businesses or Organizations
Estimated burden hours: 12,000
Status: Revision
Contact: Richard Harrington, HUD, (202) 755–7343; Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: August 14, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84–22869 Filed 8–24–84; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California Realty Action Exchange of Public Land in San Diego County—Correction

AGENCY: Bureau of Land Management.

ACTION: Realty Action Exchange of Public Land in San Diego County—Correction.

SUMMARY: This document corrects a Notice of Realty Action for an exchange of public land in San Diego County, California, that appeared on page 31002 in the Federal Register of Thursday, August 2, 1984 (49 FR 31002).

SUPPLEMENTARY INFORMATION: The change is necessary to balance the values of the lands to be exchanged. Accordingly, the following described public lands in Tehama County, California, have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716, and have been added to those public lands already designated for exchange:

Mount Diablo Meridian

T. 25 N., R. 1 W.,
Sec. 4, lot 2 of NE¼.

T. 26 N., R. 1 W.,
Sec. 24, SE¼SE¼.
Containing 83.53 acres.

In exchange, the Federal government will acquire the following described non-Federal lands in Tehama County from the Trust of Public Land, 82 Second Street, San Francisco, California 94105–3489, in addition to those non-Federal lands already designated for exchange:

Mount Diablo Meridian, California

T. 28 N., R. 3 W.,
Sec. 22, portion of lot 2 of SE¼.
Containing 27.05 acres.

FOR ADDITIONAL INFORMATION CONTACT: The Bureau of Land Management's California Desert District, 1695 Spruce Street, Riverside, California 92507, or the Redding Resource Area Office, 353 Hemsted Drive, Redding, California 96001.

Dated: August 16, 1984.

Robert M. Laidlaw,

Acting Deputy State Director, Lands and Renewable Resources.

[FR Doc. 84-22625 Filed 8-27-84; 8:45 am]

BILLING CODE 4310-40-M

Minerals Management Service

Scientific Committee of the Outer Continental Shelf (OSC) Advisory Board; Notice and Agenda of Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92–463, 5 U.S.C. App. I and the Office of Management and Budget's Circular A–63 Revised.

The Scientific Committee on the Outer Continental Shelf Advisory Board will meet on October 2 and 3, 1984, in the Onyx Room of The Brown Palace Hotel, 321 Seventeenth Street, Denver, Colorado. The Scientific Committee will meet during the period 9:00 a.m. to 5:00 p.m. on October 2, 1984, and 8:00 a..m to 5:00 p.m. on October 3, 1984.

Agenda for the meeting will include the following subjects:

- Committee Organization and Method of Operation
- Environmental Studies Planning and Procurement Process
- Memorandum of Understanding Between the Environmental Protection Agency and the Department of the Interior
- Deep Water Environmental Studies
- Environmental Productivity and Sensitivity Analyses
- The Federal Budget Process

The meeting of this committee is open to the public. Approximately 40 visitors can be accommodated on a first-come/first-served basis. All inquiries concerning this meeting should be addressed to: Dr. Piet deWitt, Chief, Offshore Environmental Assessment Division (644) , Minerals Management Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240; telephone: (202) 343–2097.

Dated: August 21, 1984.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 84-22638 Filed 8-24-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

North Country National Scenic Trail Advisory Council Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the North Country National Scenic Trail Advisory Council will be held September 8–9, 1984, beginning at 8:30 a.m. on September 8 at the Ramada Inn, 412 West Washington, Street, Marquette, Michigan.

The council was originally established on November 28, 1980, pursuant to provisions of the National Trails System Act, 82 Stat. 919, 16 U.S.C. 1241 et seq., to advise the Secretary of the Interior on matters relating to the administration and development of the North Country National Scenic Trail.

Matters to be discussed at the meeting will include strategies for implementing the comprehensive management plan for the North Country National Scenic Trail and the status of development and management of the trail in each state.

The meeting will be open to the public. Interested persons may submit written statements to the official listed below prior to the meeting. Further information concerning the meeting may be obtained from Thomas L. Gilbert, Division of External Affairs, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, telephone (402) 221–3481 (FTS 864–3481). Minutes of the meeting will be available for public inspection at the Midwest Regional Office 3 weeks after the meeting.

Dated: August 17, 1984.

Randall R. Pope,

Acting Regional Director.

[FR Doc. 84-22649 Filed 8-24-84; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30305]

Blue Mountain and Reading Railroad; Second Supplemental Modified Rail Certificate

Decided: August 20, 1984.

On October 18, 1983, a modified rail certificate was issued to the Blue Mountain and Reading Railroad (BM&R), authorizing operation over U.S.R.A. Line 197(b), which was acquired by the Commonwealth of Pennsylvania (Commonwealth) from the Penn Central Corporation.

The Commonwealth and Berks Rail Corporation (Berks) entered into an agreement under which Berks agreed to maintain rail service over the line. Berks, in turn, entered into a subcontract with BM&R to provide day-to-day operations. Since BM&R was the actual carrier operating over the line, the certificate was issued in its name only. Subsequently, however, Berks submitted additional information indicating that under its agreement with the Commonwealth it had a continuing obligation to maintain operations over this line. For that reason, on October 26, 1983, a supplemental modified rail certificate was issued in the names of both BM&R and Berks.

BM&R and Berks now seek modification of the supplemental modified rail certificate to eliminate Berks as a party to that certificate. The parties submit that (a) the agreement between the Commonwealth and Berks expired on June 30, 1984; (b) effective July 1, 1984, the Commonwealth entered into a 10-year operating agreement directly with BM&R; and (c) it is no longer necessary for Berks to possess a modified rail certificate since it no longer is obligated to maintain operations over the subject line.

After considering the additional information submitted in the request for modification, I conclude that a second supplemental modified certificate should be issued solely in the name of BM&R, and that Berks should no longer be shown as a party. The certificate issued October 26, 1983, is, therefore, modified to show that effective 12:01 A.M., July 1, 1984, BM&R is obligated directly under contract to provide rail service to the Commonwealth over the subject line, and that Berks is no longer a party to the certificate.

This notice shall be served upon the Association of American Railroads (Car Service Division), as agent of all railroads subscribing to the car-service

and car-hire agreement, and upon the American Short Line Railroad Association.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-22674 Filed 8-24-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-215X)]

Burlington Northern Railroad Company; Abandonment In Carlton County, MN; Exemption

The 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 mile post 27.98, near Carlton, and mile post 23.33, near Wrenshall, a distance of 4.65 miles in Carlton County, MN.

BN has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line, (2) that no formal complaint filed by a user of rail service on this line or a State or local governmental entity acting on behalf of such user regarding cessation of service over the line is pending with the Commission or has been decided in favor of a complainant within the last 2 years. The Public Service Commission (or equivalent agency) in Minnesota 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 the 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 23, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by September 4, 1984, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by September 13, 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: Douglas J. Babb, General Counsel-Corporate Law, Burlington Northern Railroad Company, 3800 Continental Plaza, Forth Worth, Texas 76102.

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 14, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-22675 Filed 8-24-84; 8:45 am]

BILLING CODE 7035-01-M

Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Office, Lee Campbell, (202) 275-7238. Comments regarding this information collection should be addressed to Lee Campbell, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 235-7340.

Type of Clearance: Revision.
Bureau/Office: Office of Transportation Analysis
Title of Form: Joint rate and reciprocal switching agreement cancellation study
OMB Form No.: 3120-0122
Agency Form No.: None
Frequency: Non-recurring
Respondents: All rail shippers
No. of Respondents: 1,070
Total Burden Hrs.: 1,400

James H. Bayne,

Secretary.

[FR Doc. 84-22673 Filed 8-24-84; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel (Overview Section) to the National Council on the Arts will be held on September 12, 1984, from 9:00 a.m.-5:30 p.m. in room M-09; and on September 13, 1984, from 9:00 a.m.-3:00 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on September 12, from 9:00 a.m.-5:30 p.m. and on September 13, from 10:00 a.m.-3:00 p.m. to discuss policy and guidelines.

The remaining sessions of this meeting on September 13, 1984, from 9:00 a.m.-10:00 a.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84-22637 Filed 8-24-84; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Jazz Presenters Section) to the National Council on the Arts will be held on September 10-12, 1984, from 9:00 a.m.-5:30 and on September 13, 1984, from 9:00 a.m.-4:00 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on September 13, 1984, from 9:00 a.m.-1:00 p.m. to discuss policy and guidelines.

The remaining sessions of this meeting on September 10-12, 1984, from 9:00 a.m.-5:30 p.m. and September 13, 1984, from 1:00 p.m.-4:00 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal**

Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: August 20, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–22635 Filed 8–24–84; 8:45 am]

BILLING CODE 7537–01–M

Museum Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Utilization/Catalogue Section) to the National Council on the Arts will be held on September 10–12, 1984, from 9:00 a.m.—5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: August 20, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–22636 Filed 8–24–84; 8:45 am]

BILLING CODE 7537–01–M

Office for Partnership Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Office for Partnership Advisory Panel (Locals Test Program Section) to the National Council on the Arts will be held on September 12, 1984, from 10:00 a.m.–5:00 p.m.; on September 13, 1984, from 9:00 a.m.–5:00 p.m.; and on September 14, 1984, from 9:00 a.m.–1:00 p.m. in room M–07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on September 12, from 10:00 a.m.–11:00 a.m.; on September 13, from 2:30 p.m.–5:00 p.m., and on September 14, from 9:00 a.m.–1:00 p.m. to discuss policy, guidelines and report on Locals Advocacy.

The remaining sessions of this meeting on September 12, from 11:15 a.m.–5:00 p.m. and on September 13, from 9:00 a.m.–2:30 p.m. are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: August 21, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–22621 Filed 8–24–84; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–318]

Baltimore Gas and Electric Company; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 78 to Facility Operating License No. DPR–69, issued to Baltimore Gas and Electric Company (the licensee) which revised the Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Unit No. 2, located in Calvert County, Maryland.

The amendment revises the provisions in the Technical Specifications (TS) relating to the operability and surveillance for the auxiliary feedwater system. The revision to TS 3/4.7.1.2, "Auxiliary Feedwater System" includes a provision to extend the maximum period of inoperability of an auxiliary feedwater pump from 72 hours to 7 days, in partial response to the licensee's application for amendment dated April 9, 1984, as supplemented by a letter dated May 4, 1984.

Notice of Consideration of Issuance of Amendment and Opportunity for Prior Hearing in connection with this action was published in the **Federal Register** on May 8, 1984 (49 FR 19586). No request for a hearing or petition for leave to intervene was filed following this notice.

A "Notice of Environmental Assessment and Finding of No Significant Impact" was published in the **Federal Register** on July 26, 1984 (49 FR 30145) in connection with this action.

For further details with respect to this action, see (1) the application for amendment dated April 9, 1984, and a supplement dated May 4, 1984, (2) Amendment No. 78 to License No. DPR–69, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 20th day of August, 1984.

For the Nuclear Regulatory Commission.

Ed G. Tourigny,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 84–22727 Filed 8–24–84; 8:45 am]

BILLING CODE 7590–01–M

Carolina Power & Light Co. et al.; Hearing

August 22, 1984.

Notice to the Parties

In the matter of Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency (Shearon Harris Nuclear Plant Units 1 and 2), Docket Nos. 50–400, 50–401 (ASLBP No. 82–472–03 OL).

The evidentiary hearing on the Joint Centention 1 will commence on September 5, 1984 at 9 a.m. at the following address: Raleigh Civic Center,

Meeting Room A, 500 Fayetteville Street Mall, Raleigh, North Carolina. We suggest that you enter the Civic Center at the Wilmington entrance.

For the Atomic Safety Licensing Board.

James L. Kelley,

Chairman, Administrative Judge.

[FR Doc. 84-22729 Filed 8-24-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275, 50-323]

Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 & 2) Issuance of an Interim Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a decision concerning Petitions dated July 27, July 29, July 30, and July 31, 1984 filed by the Government Accountability Project on behalf of Messrs. Timothy J. O'Neill, and James L. Dermott. The Petitioner requested the Commission to defer further licensing decisions on the Diablo Canyon facility until alleged harassment at the plant site is ended, organizational freedom for quality assurance inspectors is restored and all project personnel are retrained on quality assurance and employee protection requirements. The request was referred by the Commission to the Director, Office of Nuclear Reactor Regulation for treatment pursuant to 10 CFR 2.206 of the Commission' regulations and in Interim Director's Decision has been issued by the Director denying certain aspects of the Petitioner's request. The reasons for this denial are explained in the "Director's Decision Under 10 CFR 2.206" (DD-84-19), which is available for inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and at the Local Public Document Room at the Robert E. Kennedy Library, California Polytechnic State University, San Luis Obispo, California 93407.

A copy of the decision will be filed with the Secretary for Commission review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the decision will become the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, takes review of the decision within that time.

Dated at Bethesda, Maryland this 20th day of August 1984.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 84-22728 Filed 8-24-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-445]

Texas Utilities Generating Company; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an Exemption from a portion of the requirements of General Design Criterion 4 (10 CFR Part 50, Appendix A) to the Texas Utilities Generating Company (the applicant) for the Comanche Peak Steam Electric Station, Unit 1, located at the applicant's site in Somervell/Hood Counties, Texas, approximately 40 miles southwest of Fort Worth, Texas.

Environmental Assessment

Identification of Proposed Action: The Exemption would permit eliminating the need to install the impingement shields associated with postulated pipe breaks in eight locations per loop in the Comanche Peak, Unit 1 primary coolant system, on the basis of advanced calculational methods for assuring the piping stresses would not result in rapid piping failure; i.e., pipe breaks.

Need for Proposed Action: The proposed Exemption is required because General Design Criterion (GDC) 4 requires that structures, systems and components important to safety shall be appropriately protected against dynamic effects including the effects of discharging fluids that may result from equipment failures, up to and including a double-ended rupture of the largest pipe in the reactor coolant system (Definition of LOCA). In recent submittals the applicant has provided information to show by advanced fracture mechanics techniques that the detection of small flaws by either inservice inspection or leakage monitoring systems is assured long before flaws in the piping materials can grow to critical or unstable sizes which could lead to large break areas such as the double-ended guillotine break or its equivalent. The NRC staff has reviewed and accepted the applicant's conslusion. Therefore, the NRC staff agrees that the double-ended guillotine break in the primary pressure coolant loop piping need not be required as a design basis accident for jet shields, i.e., the jet shields are not needed. Accordingly, the NRC staff agrees that a exemption from GDC 4 is appropriate.

Environmental Impact of the Proposed Action: The proposed Exemption would not affect the environmental impact of the facility. No credit is given for the barriers to be eliminated in calculating accident doses to the environment. While the jet impingement barriers would minimize the damage from jet forces from a broken pipe, the calculated limitation on stresses required to support this Exemption assures that the probability of pipe breaks which could give rise to such forces are extremely small; thus, the jet shields would have no significant effect on overall plant accident risk.

The Exemption does not otherwise affect radiological plant effluents. Likewise, the relief granted does not affect non-radiological plant effluents, and has no other environmental impact. The elimination of the Unit 1 jet impingement shields would tend to lessen the occupational does to workers inside containment. Therefore, the Commission concludes that there are no significant radiological or non-radiological impacts associated with this Exemption.

The proposed Exemption involves design features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect plant non-radioactive effluents and has no other environmental impact. Therefore, the Commission concludes that there are no non-radiological impacts associated with this proposed Exemption.

Since we have concluded that there are no measurable negative environmental impacts associated with this Exemption, any alternatives would not provide any significant additional protection of the environment. The alternative to the compliance would be to require literal compliance with GDC 4.

Alternative Use of Resources: This action does not involve the use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for Comanche Peak, Unit 1.

Agencies and Persons Contacted: The NRC staff reviewed the applicant's request and applicable documents. referenced therein that support this Exemption for Comanche Peak, Unit 1. The NRC did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for this action. Based upon the environmental assessment, we conclude that this action will not have a

significant effect on the quality of the human environment.

For details with respect to this action, see the request for exemption dated October 31, 1983 and additional information provided by the applicant in letters dated April 23, 1984 and June 7, 1984. These documents, utilized in the NRC staff's technical evaluation of the exemption request, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Somervell County Pubic Library, P.O. Box 417, Glen Rose, Texas 76403.

Dated at Bethesda, Maryland, this 19th day of August, 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-22726 Filed 8-24-84; 8:45 am]

BILLING CODE 7590-01-M

Notification of Upcoming Meetings in the High-Level Waste Pre-Licensing Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Notification of upcoming meetings in the high-level waste pre-licensing program.

SUMMARY: On July 28, 1984, the Nuclear Regulatory Commission (NRC) published a **Federal Register** Notice [49 FR 26655] regarding establishment of toll-free telephone numbers in the waste management program. In an effort to provide information to state and tribal representatives and the public, a telephone recording service has been established for announcement of upcoming meetings related to the NRC waste management program. The number is 1/800/368-5642, Ext. 79002.

To carry out NRC's responsibilities under the Nuclear Waste Policy Act of 1982 and a subsequent NRC/DOE procedural agreement, the NRC will be sending out a weekly notice of upcoming meetings in the high-level waste pre-licensing program to identified representatives of the potential host states and affected Indian tribes. Individual **Federal Register** Notices for meetings in this program will no longer be published.

Members of the public are encouraged to use the toll-free telephone service for NRC meeting information. The recording will be updated weekly, or when changes/cancellations occur, to announce those meetings which are open to the general public as observers.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Still, Division of Waste Management, Nuclear Regulatory Commission, Washington, DC 20555, Telephone 1/800/368-5642, Est. 74426.

Dated at Silver Spring, Maryland, this 14th day of August, 1984.

For The Nuclear Regulatory Commission.

Robert E. Browning,

Director Division of Waste Management.

[FR Doc. 84-22724 Filed 8-24-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Federal Domestic Assistance Program Information, Circular No. A-89; Revised

August 17, 1984.

To the Heads of Executive Departments and Establishments

Subject: Federal Domestic Assistance Program Information

1. *Purpose.* The revised circular supersedes Circular No. A-89, dated December 31, 1970. It provides the basis for a systematic and periodic collection and uniform submission of information on all federally financed domestic assisance programs to the Office of Management and Budget (OMB) by Federal agencies. It also establishes Federal policies related to the delivery of this information to the public, including through the use of electronic media. The policies and responsibilities established by this Circular apply to all executive departments and agencies as defined by Section 551(1) of Title 5, United States Code.

the information system established by this Circular is designed to assist in identifying the types of Federal domestic assistance available, describing eligibility requirements for the particular asistance being sought, and providing guidance on how to apply for specific types of assistance. In addition, it is intended to improve coordination and communication betwen the Federal Government and State and local governments.

2. *Rescissions.* This revised Circular supersedes OMB Circular No. A-89 dated December 31, 1970, and Transmittal Memorandum No. 1, dated June 25, 1960.

3. *Authority.* The Federal Program Information Act (Pub. L. 95-220) was signed into law in December 1977. This Act provided for the efficient and regular distribution of current information on Federal domestic assistance programs. The Act was amended in October 1983 by Pub. L. 98-169 to give the Administrator of General Services the responsibility for carrying out his function. The Act outlines the duties of the Administrator of General Services and the Director of OMB. It also directs Federal agencies to furnish information on their domestic assistance programs and serves as the compelling mandate for the collection and distribution of current information on Federal domestic assistance programs.

4. *Background.* The requirements contained in this Circular are a revision of those prescribed by OMB Circular No. A-89, dated December 31, 1970. This circular prescribes the manner in which Genral Services Administration (GSA), OMB, and executive branch agencies that administer domestic assistance programs are to carry out their statutory responsibilities under the Federal Program Information Act.

5. *Policy.* Comprehensive information on all Federal domestic assistance programs will be maintained by the GSA. Using that information as the source, a Catalog of Federal Domestic Assistance will be prepared and issued annually and updated periodically, and a computerized retrieval system, presently the Federal Assistance Programs Retrieval System (FAPRS), will be maintained and updated by the GSA.

Executive branch agencies shall submit to OMB on a timely basis and in accordance with instructions provided by GSA, information on all domestic assistance programs and activities that are federally funded and that are administered by such agency.

The Catalog of Federal Domestic Assistance will be the single, authoritative, Government-wide comprehensive source document of Federal domestic assistance program information produced by the executive branch of the Federal Government. The Catalog is a guide to all domestic assistance programs and activities regardless of dollar size or duration. Specifically, these programs include general purpose aid to States and localities (general revenue sharing and shared revenues); payments in lieu of taxes; assistance to State and local governments to finance essential public services and productivity efforts; indirect assistance or benefits resulting from Federal operations; and automatic payments for which no application process is required. Any other executive branch publication that describes a group of Federal domestic assistance programs is considered a specialized catalog. Publications containing comprehensive descriptions of individual programs that specify application guidelines, administrative

requirements, and other details, and pamphlets or leaflets containing conventional public information of a generalized nature are not considered specialized catalogs. Unless otherwise required by law, specialized catalogs may be published only when specifically authorized and developed within the following guidelines and criteria:

(1) Proposals for the development and publication of any specialized catalog of Federal domestic assistance programs will be submitted to the General Services Administration for aproval in the conceptual planning stages. The request for clearance will include full justification of the need for such a specialized catalog and will clearly indicate why the particular need cannot be adequately served by the currently available Catalog of Federal Domestic Assistance.

(2) Whenever feasible, justifiable and ad hoc needs of an agency will be satisfied by the development of specialized user guides or supplements to material contained in the currently available Catalog of Federal Domestic Assistance in lieu of developing completely separate catalogs. Continuing needs for this type of information will generally be met by changes to the indexing schemes or substantive content of the Catalog. Agencies will advise the General Services Administration of their needs and proposed efforts in this area.

6. *Definitions.* For the purpose of this Circular, the following definitions shall apply:

a. A "Federal domestic assistance program" is any function of a Federal agency that provides assistance or benefits for a State or States, territorial possession, county, city, other political subdivision, grouping, or instrumentality thereof; any domestic profit or nonprofit corporation, institution, or individual, other than an agency of the Federal Government. A Federal domestic assistance program may in practice be called a program, an activity, a service, a project, a process, or some other name, regardless of whether it is identified as a separate program by statute or regulation. It will be identified in terms of its legal authority, administering office, funding, purpose, benefits, and beneficiaries.

b. "Assistance" or "benefits" refers to the transfer of money, property, services, or anything of value, the principal purpose of which is to accomplish a public purpose of support or stimulation authorized by Federal statute. Assistance includes, but is not limited to grants, loans, loan guarantees, scholarships, mortgage loans, insurance, and other types of financial assistance; provision or donation of Federal facilities, goods, services, property, technical assistance, counseling, statistical, and other expert information; and service activities of regulatory agencies. It does not include provision of conventional public information services.

c. Federal agency means any agency as defined by Section 551(1) of Title 5, United States Code.

d. Administering office means the lowest subdivision of any Federal agency that has direct operational responsibility for managing a Federal domestic assistance program.

7. *Action Requirements.* The head of each executive department and establishment shall establish internal policies, procedures, and responsibilities to implement the policies contained in this Circular and shall provide overall direction for establishing a mechanism for collecting, coordinating, and submitting current program information.

In particular, the head of each executive department and establishment shall be responsible for assuring that information on each domestic assistance program administered by such agency is collected, maintained, and submitted to OMB. This includes narrative and financial program information on all funded programs as defined and outlined in special reporting instructions transmitted by GSA to the agencies and departments.

Toward this end, each agency or department shall:

a. Establish procedures of administrative control to assure the adequacy and timeliness of program information collected and submitted.

b. Designate a single office within the department or agency to:

—Monitor and coordinate the federally funded domestic assistance program information of the agency or department;

—Maintain a complete inventory of all funded programs that is derived from the basic program data of the individual agency or department information system. This inventory shall include information on one-time programs and programs of short duration, as well as continuing programs; and

—Assure that all new and amended program information shall contain the official GSA program number and title when published in the **Federal Register** as any type of Federal assistance program announcement. This includes but is not limited to entries published as final regulations and amendments under the Rules and Regulations Section, as well as notices of any kind pertaining to ongoing programs.

c. Request prior approval for the preparation, publication, and distribution of all specialized catalogs or supplements, except where there is statutory authorization for such catalogs or supplements. Any proposed specialized catalog format must be as nearly identical to the Catalog format as possible in order to eliminate inconsistencies in program data reporting. Anticipated continuous need for a particular type of information will be conveyed to GAS for consideration of Catalog reformatting to accommodate such requirements.

GSA is responsible for maintaining an efficient and effective program information system. Toward this end, GSA shall:

a. Issue detailed reporting instructions to Federal agencies and departments governing the collection of information needed for the Federal assistance information data base.

b. Maintain an information data base of Federal domestic assistance programs and activities.

c. Provide information to the general public through a printed catalog and electronic media on all Federal domestic assistance programs.

d. Plan and make improvements in the information data base and continue to seek ways to disseminate the information.

e. Provide information to Congress through printed media on all Federal domestic assistance programs that employ a formula.

For each Federal domestic assistance program, the data base will include but not be limited to the following information:

a. Program number and title.

b. Popular name, if applicable.

c. Federal department/agency or independent agency and primary organizational subunit administering the program.

d. Authorizing legislation, including popular name of the act, titles and sections, public law number, citation to the United States Code, and statute.

e. Objectives and goals of the program.

f. Type(s) of financial and nonfinancial assistance offered by the program.

g. Uses and restrictions placed upon a program.

h. Eligibility requirements, including applicant eligibility criteria, beneficiary eligibility criteria and required credentials and/or documentation.

i. Application and award processing, containing preapplication coordination; application and award procedure; application deadlines; range of approval/disapproval time; appeal procedure; and availability of a renewal or extension of assistance. Most circular coordination requirements are included in this section.

j. Assistance considerations, including an explanation of the award formula and matching requirements and the length and time phasing of the assistance.

k. Post assistance requirements, including any reports, audits, and records that may be required.

l. Financial assistance, containing the 11-digit account identification code; obligations for the past fiscal year and estimates for the current fiscal year and for the budget year; and a range and average of financial assistance.

m. Program accomplishments (where available), describing quantitative measures of program performance.

n. Regulations, guidelines, and literature containing citations to the Code of Federal Regulations and other pertinent informational materials.

o. The names of persons to be contacted (or telephone number) for detailed program information at the headquarters, regional, and local levels.

p. Programs that are related based upon objectives and uses.

q. Examples of funded projects to indicate proposals that are acceptable under particular programs, and.

r. Criteria used in selecting proposals for award, i.e., additional information on application review and award procedure.

The Catalog will contain but not be limited to the following:

a. An introductory section that contains Catalog highlights, an explanation of the Federal Assistance Programs Retrieval System, a section on how to use the Catalog, an explanation of the Catalog and its contents, and suggested proposal writing methods and grant application procedures.

b. A comprehensive indexing system that categorizes programs by their agency, eligible applicant, application deadlines, function, popular name, and subject area.

c. Listing showing the programs that have been deleted from or added to the Catalog and the various program number and title changes.

d. Program descriptions that will contain the information included in the Federal domestic assistance information data base.

e. Comprehensive appendices showing Federal assistance programs that require coordination through the system of Federal circulars, legislative and Executive Order authority for each program, commonly used abbreviations and acronyms, agency regional and local office addresses, and sources of additional information contacts.

The Catalog is issued as a complete looseleaf document in the spring of each year and updated periodically to accommodate subsequent changes in specifically selected information. As required by the Law, GSA distributes free copies in the Catalog to Federal, State, and local government offices. At the national level, copies are provided to: Members of Congress, congressional staff, and executive branch agencies. At the State level, copies of the Catalog are provided to: Governors, State coordinators of Federal-State relations, Directors of State Departments of Administration and Budget Offices, Directors of State Department of Community Affairs, Directors of State Planning Agencies, State clearinghouses, Directors of State Agricultural Extension Services, State Municipal Leagues, State Association of Counties, chief State school officers, and State Employment Security Agencies. At the local level, copies are provided to: Mayors, County Chairmen, Chairmen of Boards of Commmissioners, and city planners. Copies are also provided to the Federal Information Centers, Federal Regional Councils, Federal Executive Boards, Federal Depository Libraries and appropriate field, and area offices of most Federal agencies. The Catalog is also provided to other agencies of State and local governments.

The Catalog is sold on a subscription basis to private individual and organizations not specified above. The purchaser is entitled to issues at a subscription rate determined by the Public Printer. The Catalog is distributed by the Superintendent of Documents, U.S. Government Printing Office, as required by Section 1902 of Title 44 of the United States Code.

The Federal Assistance Programs Retrieval System (FAPRS) in an electronic medium of information dissemination, a computerized retrieval system that provides access to the data base of programs that are in the Catalog. The purpose of this system is to help the public identify sources of Federal assistance.

FAPRS operates on a question and answer format to retrieve information on applicable programs. It does this by matching the characteristics of a community and its needs (which are supplied by the prospective applicant) with Federal programs (identified by title and number) that might provide assistance to meet those needs. FAPRS serves as a research tool to help reduce the manual effort required (when using the Catalog) to identify Federal programs useful to a potential applicant.

8. *OMB Reponsibilities.* OMB is responsible for collecting and reviewing information on Federal domestic assistance programs and providing such information to GSA. Also, the Director shall be responsible for assuring that the Administrator of GAS incorporates all relevant information received on a regular basis.

9. *Information Contact.* Further information may be obtained by contacting the Federal Program Information Branch at the General Services Administration or by contacting the Budget Review Division at the Office of Management and Budget.

10. *Sunset Review Date.* The provisions of this Circular are effective upon issuance. The policies promulgated in this Circular will be reviewed no later than three years from date of issuance.

David A. Stockman,

Director.

[FR Doc. 84-22643 Filed 8-24-84; 8:45 am]

BILLING CODE 3110-01-M

PEACE CORPS

Compliance With Privacy Act of 1974

AGENCY: Peace Corps.

ACTION: Notice of Systems of Records.

SUMMARY: Notice is hereby given that in accord with 5 U.S.C. 522a(e) (4) and (11), Section 3 of the Privacy Act of 1974 (hereinafter referred to as the "Act") Peace Corps proposes to adopt the notice of systems of records as set forth below.

Any person interested in this notice may submit written views, comments or other data to the Director, Office of Administrative Services, Room P-314, 806 Connecticut Avenue, NW., Washington, D.C. 20526, on or before October 26, 1984. All written comments received from the public through said date will be considered before publication of a final notice. Comments received will be available for public inspection at the above address between the hours 9 a.m. and 4 p.m., Monday through Friday (except holidays).

This notice does not include specific identification of OPM systems of records in the custody of the Agency because OPM assumed responsibility for publishing government-wide notices. Primarily this includes systems of

records pertaining to Federal employee personnel records.

Special note should be taken of the Preliminary Statement to the systems of records containing an indication of general routine uses, general regulations as to notification, access and contest, and other material applicable to Peace Corps record systems generally. The Agency desires to avoid unnecessary repetition and duplication in the publication of each system of records which might make it difficult for the public to review and locate a system in which a record might be available. The publication of general routine uses and exemptions does not serve as an indication that each system will be normally used or usable for such purposes or subject to such exemptions, but that the use of any system for such routine use shall be permitted upon request of a designated routine user.

DATE: Comments must be received on or before October 26, 1984.

ADDRESS: Comments may be mailed or delivered to the Director, Office of Administrative Services, Room P-314, Peace Corps, 806 Connecticut Avenue, NW., Washington, D.C. 20526.

FOR FURTHER INFORMATION CONTACT: Robert McClendon, Privacy Act Officer, Office of Administrative Services, 202-254-6180 or Robert Martin, Associate General, 202-254-7966.

SUPPLEMENTARY INFORMATION: Effective December 29, 1981, the Peace Corps became an independent agency. Prior to that date, it was an autonomous part of the ACTION agency, and was covered by ACTION's Privacy Act regulations (45 CFR 1224). The ACTION Notice of Systems of Records and Routine Uses thereof included the Peace Corps' Systems of Records.

This notice, and the Peace Corps' Privacy Act regulations, being published simultaneously, are required because of the Peace Corps' status as an independent agency.

This notice is issued in Washington, D.C. on August 17, 1984.

Loret Miller Ruppe,

Director, Peace Corps.

The Agency proposes to adopt the following notice of systems of records:

Notice of Systems of Records—Preliminary Statement

The term "Agency" when used in this notice refers to the Peace Corps.

Operating Units—The names of the operating units within the Agency to which a particular system of records pertains are listed under the system manager and address section of each system notice.

Official Personnel Files—Official personnel files of Federal employees in the General Schedule in the custody of the Agency are considered the property of the Office of Personnel Management (OPM). Access to such files shall be in accordance with such notices published by OPM. Access to such files in the custody of the Agency will be granted to individuals to whom such files pertain upon request to the Director, Office of Personnel Management, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

Files of employees serving under Peace Corps appointing authorities i.e., Foreign Service and Expert/Consultant, which are not specifically covered by the OPM publication, are inter-filed with all other personnel files and treated in the same manner. The OPM publication of notice for official personnel files is therefore adopted by reference for Peace Corps personnel files in the custody of the Agency provided however that access, contests and appeals as to any such record shall be processed as provided in Peace Corps regulations under the Privacy Act.

Various offices in the Agency maintain files which contain miscellaneous copies of personnel material affecting Peace Corps employees. This would include copies of standard personnel forms, evaluation forms, etc. These files are kept only for immediate office reference use and are considered by the Agency to be part of the personnel file system. The Agency's internal regulations provide that such information is a part of the general personnel files and can only be disclosed through the Director, Peace Corps Office of Personnel Management in order that he or she may insure that any material to be disclosed is relevant, material, current, and fair to the individual employee. It is also the policy of the Agency to limit the use of such files and to encourage the destruction of as many as possible.

Statement of General Routine Uses—The following general routine uses are incorporated by this reference into each system of records set forth herein, unless such incorporation is specifically limited in the system description.

1. In the event that a record in a system or records maintained by the Agency indicates any violation or potential violation of the law whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant record in this system of records may be referred as a routine use, to the appropriate agency, whether Federal, state, local or foreign charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto; such referral shall also include and be deemed to authorize any and all appropriate and necessary uses of such records in a court of law or before an administrative board or hearing.

2. A record may be disclosed as a routine use to designated officers and employees of other agencies and departments of the Federal government having an interest in the individual for employment purposes including the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter involved, provided however, that other than information furnished for the issuance of authorized security clearances, information divulged hereunder as to full-time volunteers under the Peace Corps Act (22 U.S.C. 2501) shall be limited to the provision of dates of service and a standard description of service as heretofore provided by the Agency.

3. A record may be disclosed as a routine use in the course of presenting evidence to a court, magistrate or administrative tribunal of appropriate jurisdiction and such disclosure shall include disclosures to opposing counsel in the course of settlement negotiations.

4. Information from certain systems of records especially those relating to applicants for Federal employment or volunteer service may be disclosed as a routine use to designated officers and employees of other agencies of the Federal government for the purpose of obtaining information as to suitability, qualifications and loyalty to the United States Government.

5. Information from records systems may be disclosed to any source from which information is requested in the course of an investigation to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

6. Information in any system may be used as a data source, for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. Information may also be disclosed to respond to general

requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or the Privacy Act.

7. Information in any system of records may be disclosed to a Congressional office, in response to an inquiry from any such office, made at the request of the individual to whom the record pertains.

8. A record from any system of records may be disclosed as a routine use to the National Archives and Records Service, General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

9. Information from records systems may be disclosed to the U.S. Ambassador or his or her designee in host countries where the Peace Corps serves. Such release will be made only upon the written certification by the Ambassador or designee that the information is needed to perform an official responsibility. The purpose of this routine use is to apprise the Ambassaador of information that host officials have, but which cannot be released to the Ambassador, regarding Peace Corps employees, contractors, trainees and volunteers. On a case to case basis such release is made to allow the Ambassador to knowledgeably respond to official inquiries and deal with in-country situations which are within the scope of the Ambassador's responsibility.

Location of Domestic and Overseas Offices—The Agency maintains three Service Centers and Area Recruiting Offices in which certain systems or parts of systems are maintained. The Service Centers, their addresses, and the States within their jurisdictions are listed below. In the event of any doubt as to whether a record is maintained in a Service Center or Area Recruiting Office, a query may be directed to the Director, Office of Administrative Services, Peace Corps, Washington, D.C. 20526, who shall furnish all assistance necessary to locate a specified record.

New York Service Center, Peace Corps, 26 Federal Plaza, Room 1605, New York, New York 10278 (States serviced: Massachusetts, Vermont, New Hampshire, Rhode Island, Delaware, New Jersey, Georgia, Tennessee, Mississippi, Alabama, South Carolina, Florida, District of Columbia, Maryland, North Carolina, Kentucky, West Virginia and Virginia).

Chicago Service Center, Peace Corps, 3rd Floor, 10 W. Jackson, Chicago, Illinois 60604 (States serviced: New Mexico, Oklahoma, Louisiana, Texas, Arkansas, Illinois, Indiana, Minnesota, Wisconsin, Kansas, Missouri, Iowa, Nebraska, Michigan and Ohio).

San Fransciso Service Center, Peace Corps, Room 553, 211 Main Street, San Francisco, California 94105 (States serviced: California, Nevada, Hawaii, Colorado, Montana, South Dakota, North Dakota, Utah, Wyoming, Washington, Oregon, Idaho, Alaska and Arizona).

The Peace Corps has offices overseas and the number fluctuates from time to time as programs are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director, Office of Administrative Services, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, c/o the American Embassy in such country.

Notification—Individuals may inquire as to whether any system contains information pertaining to them by addressing the System Manager in writing. Such request should include the name and address of the individual, his or her social security number, and any relevant data concerning the information sought and, where possible,the place of assignment or employment, etc. In case of any doubt as to which system contains a record, interested individuals may contact the Director, Office of Administrative Services, Peace Corps, Washington, D.C. 20526, who has overall supervision of records systems and who will provide assistance in locating and/or identifying appropriate systems.

Access and Contest—In response to a written request by an individual, the appropriate System Manager shall arrange for access to the requested record or advise the requester if no such record exists. If an individual wishes to contest the content of any record, he/she may do so by addressing a written request to Director, Administrative Services, Peace Corps, 806 Connecticut Avenue, NW., Washington, D.C. 20526. The Director shall provide all necessary information regarding such contest and appeal. Alphabetical Listing of Systems of Records:

- Accounts Receivable (Collection of Debts Claims Records)
- Congressional Files
- Contractors and Consultants Files
- Discrimination Complaint Files
- Employee Occupational Injury and Illness Reports
- Employee Pay and Leave Records
- Information Gathering System
- Legal Files—Staff, Volunteers, and Applicants
- Payment Records; Travel Authorization Files; and Household Storage Files
- Peace Corps Partnership Donor Records
- Personal Service Contracts Records
- Property Records
- Security Records—Peace Corps Staff/Volunteers and ACTION Staff
- Staff Applicant and Personnel Records
- Talent Bank
- Travel Files
- Volunteer Applicant and Service Records System

SYSTEM NAME:

Accounts Receivable (Collection of Debts Claims Records).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Fiscal Services Branch, Office of Financial Management, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any former or current Peace Corps employee, trainee/volunteer or vendor allegedly erroneously overpaid by Peace Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the following records: 1. Register of debts claimed. This record consists of names and addresses of individuals who are indebted to Peace Corps including the date of the debt, a claim number, the amount of the debt, and the date the debt is paid if that has occurred. 2. Claim Record Card. This record consists of the same information in shorter form as that contained in the Register. 3. File Folders. This record consists of the initial billing, follow up letters for collection of debt and related correspondence together with a copy of the check or checks paying the debt if that has occurred.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, 22 U.S.C. 2501 et seq. The Budget and Accounting Act of 1950. Federal statutes requiring and permitting the administrative settlement of claims by agencies.

PURPOSE(S):

These records were established to contain information and a record of final solutions resulting from erroneous payments by the Peace Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed in the following circumstances: To the General Accounting Office (GAO) or the Department of Justice in cases of administrative error involving overpayment and situations in which the agency has been unable to collect such debt. Disclosure may also be made to the General Accounting Office if the agency requests a waiver of repayment for error caused by overpayment of salary in excess to 500 dollars. Also, routine uses as stated in the above Preliminary Statement, and disclosure to consumer reporting agencies authorized by 5 U.S.C. 552a(b)(12).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in folders in metal file cabinets with manipulation proof combination lock.

RETRIEVABILITY:

Records are indexed in alphabetical order.

SAFEGUARDS:

These records are available only to the officals of Peace Corps having a need for such records in the performance of their official duties and for the routine uses listed above.

RETENTION AND DISPOSAL:

These records are maintained until the settlement of a claim and then retired to the Federal Records Center to be destroyed in accord with General Records Schedule 6.1.2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Fiscal Services Branch, Accounting Division, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORD ACCESS PROCEDURES:

See the Access and Contest paragraph in the Preliminary Statement above in this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Information is obtained from Peace Corps employees having knowledge of the facts.

SYSTEM NAME:

Congressional Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Congressional Relations, Peace Corps, 806 Connecticut Avenue, NW., Washington, D.C. 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system consist of bio-data, voting records, Peace Corps concerns of members of Congress affecting Peace Corps and copies of incoming and outgoing correspondence between Peace Corps personnel and members of Congress.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Peace Corps Act, 22 U.S.C. 2501 et seq.

PURPOSE(S):

This system was established to keep Peace Corps officials informed as to concerns of members of Congress that affect the Peace Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system are not subject to routine use outside the Agency except for routine use number 8 in the preceding Preliminary Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are maintained in file folders in metal filing cabinets locked at the close of the business day.

RETRIEVABILITY:

Records in this system concerning members of committees concerned with Peace Corps legislation are filed by Congressional committee and within each committee alphabetically. Congressional correspondence is filed alphabetically by last name of the member.

SAFEGUARDS:

Records in this system are generally available only to Peace Corps personnel having a need for such information in the performance of their official duties.

RETENTION AND DISPOSAL:

Inactive records are held two years; retired to the Federal Records Center for ten years; then offered to the National Archives. Records are inactivated upon death, non-reelection or retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Congressional Relations, Peace Corps, 806 Connecticut Avenue, NW., Washington, D.C. 20526.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORD ACCESS PROCEDURES:

See the Access and Contest paragraph in the Preliminary Statement above in this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Information in system of record is obtained from the following category of sources: 1. The Congressional Directory, Congressional Records, Congressional Quarterly, Periodicals and standard reference materials. 2. Members of Congress and their staffs. 3. Peace Corps employees. 4. Newspaper and magazine publications.

SYSTEM NAME:

Contractors and Consultants Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Africa, Inter-America and NANEAP Operations, and Office of Training and Program Support, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are serving, have served or could serve as Contractors/Training Consultants for Peace Corps programs overseas.

CATEGORIES OF RECORDS IN THE SYSTEM:

These files contain correspondence, resumes, and other materials pertaining to prospective and current personal services contractors, training consultants, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, 2 U.S.C. 2501 et seq.

PURPOSE(S):

This system was established to provide a source of information to the International Operations Contract/Training Specialists and the

Administrative Liaison, OTAPS, regarding regional program needs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Subject to general routine uses listed in the above Preliminary Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are maintained in folders in metal file cabinets with three-way combination locks.

RETRIEVABILITY:

Records are indexed in alphabetical order. Alternatively records may be indexed by skills categories but alphabetically within such skills categories.

SAFEGUARDS:

Records are available only to Peace Corps staff who have a need for such records in the performance of their duties.

RETENTION AND DISPOSAL:

These records are reviewed annually and those which are no longer necessary for current operations are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Contract/Training Specialist, Africa, Inter-America or NANEAP Operations, and Administrative Liaison, Office of Training and Program Support, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above this notice.

RECORD ACCESS PROCEDURES:

See the Access and Contest paragraph in the Preliminary Statement above this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

The individual contractor or consultant to whom the record pertains, supervisors and other Peace Corps personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

These records or portions of these records may be exempted by authority of (5 U.S.C. 552a(k)(5)).

SYSTEM NAME:

Discrimination Complaint Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Compliance, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee, applicant for employment, Peace Corps Volunteer, trainee, or applicant for volunteer service who has filed a complaint of discrimination against Peace Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

The complaint, correspondence related to the complaint, copies of personnel records, investigatory materials and affidavits, and information as to how the complaint was resolved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11478, 29 CFR Part 1613, 22 U.S.C. 2504(a), and 42 U.S.C. 5057(c).

PURPOSE(S):

This system was established to record actions taken on complaints of discrimination against Peace Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Contents of these records may be disclosed and used as follows: a. To the Equal Employment Opportunity Commission or the Merit Systems Protection Board and its Special Counsel for hearings and/or administrative appeals on a complaint of discrimination. b. To the Department of Justice in connection with any suits brought against the agency for alleged discrimination. c. To the Equal Employment Opportunity Commission for advice and counsel within its jurisdiction. d. Other routine uses as stated in the above Preliminary Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in folders in metal file cabinets with manipulation proof combination locks when not in immediate use.

RETRIEVABILITY:

Records are indexed alphabetically.

SAFEGUARDS:

Records in the system are available only to appropriate personnel in the Office of Compliance and other designated officials of Peace Corps with a need of such records in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed four years after the close of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Compliance, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORD ACCESS PROCEDURE:

See the Access and Contest paragraph in the Preliminary Statement above in this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Data in this system is obtained from the following categories of sources: 1. Employees, Volunteers or applicants of Peace Corps involved as complainants, witnesses, etc. in discrimination complaints. 2. Reports of investigations and other materials prepared by Equal Employment Opportunity Officers, counsellors and investigators. 3. Copies of Agency documents relevant to any EO investigation. 4. Records of hearing on complaints. 5. Records of decisions on complaints or settlements thereof.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

These records or portions of these records may be exempted by authority of (5 U.S.C. 552a(d)(2) and (k)(5)).

SYSTEM NAME:

Employee Occupational Injury and Ilness Reports.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Maintained at Peace Corps Headquarters, the Service Centers and Peace Corps countries.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Peace Corps employees who have had job/related injuries or illness.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of occupational injuries and illness and medical reports with respect thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Occupational Safety and Health Act of 1970, Executive Order 12196.

PURPOSE(S):

These records were established to record information and resulting actions pertaining to employee occupational injuries and illness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Occupational injury and illness reports are maintained in order to provide data, including statistical data required by the Occupational Safety and Health Administration, Department of Labor. Other routine uses as stated in the above preliminary statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in folders in metal file cabinets with manipulation proof combination lock.

RETRIEVABILITY:

Records are indexed in alphabetical order.

SAFEGUARDS:

Records are available only to Peace Corps employees having a need for such records in the performance of their official duties.

RETENTION AND DISPOSAL:

Records in this system are retained indefinitely pending issuance of final retention schedule by the National Archives and Records Service.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Health and Benefits and Analysis Branch, Office of Medical Services, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORD ACCESS PROCEDURES:

See the Access and Contest paragraph in the Preliminary Statement above in this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from the following categories of sources: Employees who have suffered a work-related illness or injury and Peace Corps supervisory personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

These records or portions of these records may be exempted by authority of (5 U.S.C. 552a(k)(2)).

SYSTEM NAME:

Employee Pay and Leave Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Financial Management, Peace Corps, 806 Connecticut Avenue, NW., Washington, D.C. 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of Peace Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel actions employing, promoting and terminating employees, savings bond applications, advices of allotments, IRS tax levels, notice of deduction for health insurance, Combined Federal Campaign, union dues withholdings applications, and educational allowances for children of overseas employees and records regarding collections for overpayments and time and attendance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

GAO Policy and Procedures Manual; 31 U.S.C. 3512; and the Budget and Accounting Procedures Act of 1950.

PURPOSE(S):

This system was established to record monies paid, allotments authorized, leave earned and used, and retirement benefits earned.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records are routinely provided as follows:

1. To the Treasury for payroll and savings bonds and other deduction purposes.

2. To Internal Revenue Service with regard to tax matters.

3. To participating insurance companies holding policies with respect to Federal employees employed by Peace Corps.

4. To a Federal Agency to perform payrolling services for the Peace Corps. The Department of Commerce is currently performing this function.

Also, other general routine uses listed above in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in folders and looseleaf binders in metal file cabinets with manipulation proof combination locks. The individual Time and Attendance records maintained by designated timekeepers throughout the agency are stored in a metal file cabinet with a key lock or manipulation proof combination lock.

RETRIEVABILITY:

Records are indexed in alphabetical order.

SAFEGUARDS:

Records in this system are available only to employees of Peace Corps with a need for such records in the performance of their official duties.

RETENTION AND DISPOSAL:

Records in this sytem are maintained for three years after the end of the fiscal year in which an employee terminates employment with Peace Corps and then retired to the Records Center in accordance with GAO instructions and General Records Schedule 2. The Time and Attendance sign in/sign out sheets are maintained for six years in the Agency Records Center and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Designated timekeepers throughout the agency and Chief, Volunteer and Staff Payroll Services Branch, Accounting Division, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORD ACCESS PROCEDURES:

See the Access and Contest paragraph in the Preliminary Statement above in this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Peace Corps employees and the individual to whom the record pertains.

SYSTEM NAME:

Information Gathering System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Administrative Services, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Persons serving in, having served in, or who are served by programs initiated by Peace Corps, (2) persons working with Peace Corps programs on a volunteer basis and (3) the general public (nationwide for media impact studies, post-service studies, etc).

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information necessary to provide statistical and analytical data in connection with agency activities including volunteer projects. The agency anticipates studies in such areas as: Recruitment, impact of advertising campaigns or media on a given area; public awareness of Peace Corps programs; program effect in particular demographic areas; impact of volunteer service on individuals after service. Individuals will be asked to complete a form and will be informed of the particulars of a study, i.e., the specific purpose of the study, who is conducting the study, the use of the information they submit; who has access to the information; provisions of the Privacy Act; the authority for collection of the data; the effect of nondisclosure; and the particular study title.

Information requested may include names and addresses, relationships to a particular agency activity, age, race, education, ethnic background, employment history, family size and age groups, marital status, volunteer program interest area, effect of advertising on the individual. Although it is impossible to foresee all information which will be gathered for study, the agency anticipates that such data may be collected. Subsystems of records may be set up for relatively short periods of time during the information gathering stage. The overall responsibility for these subsystems comes under the Office of Administrative Services. Records will be retained only as long as needed for the study but statistical data may be retained after personal identifiers have been removed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, 22 U.S.C. 2501, et seq.

PURPOSE(S):

This system was established to provide the Peace Corps with statistical and analytical data in connection with agency activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data maintained in this system will be used to enable the agency to carry out its authorized functions in connection with program and project evaluation as stated in routine use number 6 in the preliminary statement above in this notice. Initially, the information will be furnished by the individual to the Peace Corps staff personnel or personnel performing the study on behalf of Peace Corps. Such records will be retained only as long as required to complete the work.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records may be maintained in various fashions. Material placed on computers shall be stored in disc packs with tape backup. All records will, in any event, be maintained and filed in rooms or cabinets with manipulation proof combination locks when not in immediate use.

RETRIEVABILITY:

Records are retrievable through name or identifying number.

SAFEGUARDS:

Records in this system will be available only to appropriate personnel, including staff or other individuals working on Peace Corps' behalf, having a need for such records in the performance of their duties.

RETENTION AND DISPOSAL:

Records in this system will be maintained only so long as necessary to carry out the management survey or other function for which they were collected and then will either be destroyed or the information may be stored after removal of all personal identifiers.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administrative Services, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORD ACCESS PROCEDURES:

See the Access and Contest paragraph in the Preliminary Statement above in this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Information will be obtained from the individual or persons dealing with Peace Corps programs.

SYSTEM NAME:

Legal Files—Staff, Volunteers and Applicants.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the General Counsel, Peace Corps, 806 Connecticut Avenue, NW., Washington, D.C. 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Applicants for employment with Peace Corps. 2. Staff employees of Peace Corps. 3. Peace Corps Volunteers, trainees and applicants for volunteer service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of any legal matter affecting any present or former staff member or Peace Corps Volunteers or any applicant for employment or volunteer service in Peace Corps whose employment or service has raised any legal question. Included among the kinds of records maintained are those involving employees grievances, appeals from adverse actions, claims by and against staff members, records concering litigation in which Peace Corps staff members or Volunteers become involved as parties, legal queries from staff members regarding themselves or their employment and answers thereto and any other matter involving a contact between a staff member or Volunteer and an attorney of the Office of General Counsel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, 22 U.S.C. 2501 et seq.

PURPOSE(S):

These records are maintained under the general authority of the Office of General Counsel to represent the Agency in connection with its dealings with its employees and Volunteers and the general functions of the Office of General Counsel to provide advice and counsel to the Director of the Agency and his or her staff.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are not routinely disclosed outside the Agency except in the following circumstances: 1. To the Department of Justice in conjunction

with litigation or potential litigation in situations in which the Department may be called upon to provide representation to the Agency. 2. In circumstances set forth in paragraphs 1, 4, 7, and 8 of the general routine uses set forth in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are kept in separate file folders in cabinets secured by changeable combination locks or bar locks secured by such combination locks.

RETRIEVABILITY:

Files are available only to personnel of the Office of General Counsel which includes attorneys and confidential secretaries.

RETENTION AND DISPOSAL:

Files are maintained for the duration of the litigation or other matter to which they refer or until the applicable statute of limitations has expired. Files are reviewed annually and retired to the Federal Records Center for 27 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Peace Corps, 806 Connecticut Avenue, NW., Washington, D.C. 20526.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORD ACCESS PROCEDURES:

See the Access and Contest paragraph in the Preliminary Statement above in this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Data is obtained from the following categories of sources: 1. Peace Corps applicants for employment, employees, Volunteers, and trainees and applicants for volunteer services. 2. Correspondence and reports from persons and agencies dealing with the agency and its employees. 3. Work product and research of lawyers of the office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

These records or portions of these records may be exempted by authority of (5 U.S.C. 552a (k)(1), (k)(2), and (k)(5)).

SYSTEM NAME:

Payment Records; Travel Authorization Files; and Household Storage Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Financial Management, Fiscal Services Branch, 806 Connecticut Avenue, NW., Washington, D.C. 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any current or former Peace Corps employee, Volunteer or vendor, or person invited to travel for Peace Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) The Voucher Payment Record is a single index card form containing the following data: Invoice number or date, amount paid, voucher and schedule number, contract or purchase order number and type of payment (advance, partial or final). (2) The Schedule of Payments Records consist of the invoice received, document authorizing the action to be taken such as the travel authorization or purchase order and the voucher making the payment as well as the SF–1166 (Voucher and Schedule of Payments) and SF–1081 (Voucher and Schedule of Withdrawals and Credits—used in government only), and to which other documents are attached. (3) The Travel Authorization records consist of copies of obligated travel authorizations, travel vouchers, receipts, records of payments, and other materials related to official travel. (4) The Staff and Volunteer Household Storage records consists of Travel Authorization, a copy of the invoice for payment and record of partial payment form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, 22 U.S.C. 2501 et seq; The Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and the Federal Claim Collection Act of 1966.

PURPOSE(S):

The purpose of this system is to record payments made as a result of purchase orders, travel authorizations, or other authorization documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The contents of these records may be disclosed and used as follows: a. To appropriate officials in the Department of Treasury, b. To the household storage vendor in the event there is a discrepancy between the vendor and Peace Corps records, c. Subject to routine uses listed in the above Preliminary Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in filing cabinets with bar locks, key locks or manipulation proof combination locks when not in immediate use.

RETRIEVABILITY:

Records are filed alphabetically by last name or numerically by schedule number.

SAFEGUARDS:

Records are available only to appropriate Fiscal Services Branch personnel and other appropriate officials of Peace Corps with the need for such records in the performance of their duties.

RETENTION AND DISPOSAL:

Records are held for three years and retired to the Federal Records Center in accordance with General Accounting Office instructions and General Records Schedule 6. Staff and Volunteer household storage records are retained for two years after termination or retirement and retired to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Fiscal Services Branch, Accounting Division, Peace Corps, 806 Connecticut Avenue, NW., Washington, D.C. 20526.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORD ACCESS PROCEDURES:

See the Access and Contest paragraph in the Preliminary Statement above in this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Data is obtained from documents provided by the individual or the vendor.

SYSTEM NAME:

Peace Corps Partnership Donor Records.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Peace Corps, Office of Private Sector Develpment, 806 Connecticut Avenue, NW., Washington, D.C. 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals requesting information on how to join and/or information on current projects seeking support in the Peace Corps Partnership Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Currently in hard copy form but will be computerized. Consists of name, organization (if appropriate), current home/business address and telephone number, amount of contribution, name of project supporting and source that prompted interest in the program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, 22 U.S.C. 2501 et. seq.

PURPOSE(S):

This system is being established to provide a continuing source of donors to the Peace Corps Partnership Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records will be used by the Peace Corps to inform individuals who have expressed an interest in the Partnership Program, how to join and about new projects on a regular basis. Information in this system is also subject to routine uses 3, 6, 7, and 8 as listed above in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are currently maintained in hard copy form which are kept in locked files when not in immediate use in a building with a 24 hour guard. When the system is placed on the computer the hard copy will be destroyed. The computer record shall be stored on diskettes or disc packs with tape backup in secured rooms with access limted to those employees whose official duties require access.

RETRIEVABILITY:

Records are indexed by categories such as name, city, state, organization and special interest.

SAFEGUARDS:

Records in the system will be available only to the Peace Corps, Office of Private Sector Development staff on a need to know basis.

RETENTION AND DISPOSAL:

Unless removal or extension is requested by the individual the record is maintained for ten years after voluntary entry in the file.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Private Sector Development, Peace Corps, Room 1204, 806 Connecticut Avenue, NW., Washington, D.C. 20526.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the above Preliminary Statement.

RECORD ACCESS PROCEDURES:

See the Access and Contest paragraph in the above Preliminary Statement.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Information is supplied by individuals who have requested more information about the Partnership Program.

SYSTEM NAME:

Personal Service Contract Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Contracts Division, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those persons contracted by the Headquarters Procurement Branch serving or having served as a personal services contractor for the Peace Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records maintained contain the history of employment, including earning records of individuals hired as personal services contractors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, 22 U.S.C. 2501 et seq.

PURPOSE(S):

This system was established to keep a record of information used to determine personal service contractor eligibility for employment and pay determinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Subject to routine uses listed in the above Preliminary Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are maintained in folders in metal file cabinets with manipulation proof combination locks and in a locked room when not in immediate use.

RETRIEVABILITY:

Records are arranged by contract number.

SAFEGUARDS:

Records in the system are available only to appropriate personnel in the Contracts Division and other appropriate officials of Peace Corps with the need for such records for the performance of their duties.

RETENTION AND DISPOSAL:

Records in the system are maintained in the Contracts Division for one year after the closing date of the contract then disposed of in accordance with General Records Schedule 3.4.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Contracts Division, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORD ACCESS PROCEDURES:

See the Access and Contest paragraph in the Preliminary Statement above in this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from the following categories of sources: Individual contractors, Peace Corps Overseas Staff, and Peace Corps Washington Staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

These records or portions of these records may be exempted by (5 U.S.C. 552a(k)(5)).

SYSTEM NAME:

Property Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

These records are maintained in the office of each Peace Corps program overseas. The number of offices fluctuates from time to time as programs

are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director, Administrative Services, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, c/o the American Embassy in such country.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Peace Corps staff, Volunteers, and trainees who have trained overseas.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of records of U.S. Government property assigned to Peace Corps staff, Volunteers or trainees for which they are accountable and which must be returned to the Peace Corps.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, 22 U.S.C. 2501, et seq.

PURPOSE(S):

The system was established to record and account for U.S Government property assigned to contractors, to Peace Corps overseas staff, Volunteers or trainess.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The contents of these records may be disclosed and used as follows: To the Department of State or any other Federal agency having the responsibility for accounting for the disposition of Federal property. Also, subject to general routine uses listed in the above Preliminary Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in metal file cabinets.

RETRIEVABILITY:

Records are indexed in alphabetical order in each Peace Corps post overseas.

SAFEGUARDS:

Records are available only to Peace Corps staff having a need for such records in the performance of their official duties. For these purposes, host country nationals employed by the U.S. Government and working for Peace Corps are considered staff.

RETENTION AND DISPOSAL:

Records in this system are retained at overseas posts for two years after an employee or Volunteer leaves the country and then are destroyed by burning, shredding or such other method as is approved by the Department of State for the disposal of such records.

SYSTEM MANAGER(S) AND ADDRESS:

Country Directors in each country in which Peace Corps maintains a program.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORD ACCESS PROCEDURES:

See the access and Contest paragraph in the Preliminary Statement above in this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Peace Corps overseas staff. The individual to whom the record pertains.

SYSTEM NAME:

Security Records—Peace Corps Staff/ Volunteers and ACTION Staff

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Peace Corps, Personnel Security Staff Office, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former applicants for Peace Corps and ACTION staff employment and volunteer service. Individuals considered for access to classified information or restricted areas and/or personnel security determinations as contractors, experts, instructors, and consultants to Federal programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain investigative information regarding an individual's character, conduct, behavior in the community where he or she lives; arrests and convictions for any violations of the law; reports of interviews with former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries to law enforcement agencies, former employers, educational institutions attended; and other similar information developed from the above. Index cards are maintained on all appointees and volunteers on whom investigations were conducted. The cards reflect personal identifying information and investigative and clearance histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 2519, Executive Order 10450, and Federal Personnel Manual, Chapters, 731, 732 and 736. In addition to the provisions cited above, there are various acts of Congress relating to personnel investigations authorizing the same by the Office of Personnel Management, which responsibility can, under Civil Service regulations and law, be delegated in whole or in part to agencies.

PURPOSE(S)

This system was established to keep on record that information used to determine eligibility or suitability for employment or volunteer service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The contents of these record and files may be disclosed and used as follows: a. To the Office of Personnel Management as a part of the central OPM personnel investigation records system. b. Subject to the general routine uses listed in the above Preliminary Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Investigative record folders and index cards are maintained in General Services Administration approved metal file cabinets with three way combination locks in a room which is locked when not in use.

RETRIEVABILITY:

Records are indexed in alphabetical order.

SAFEGUARDS:

All officials or employees having access to such records are required to have an appropriate security clearance. Generally these records are available only to personnel of the security office and to the agency directors (Peace Corps and ACTION) and their designees.

RETENTION AND DISPOSAL:

Records are maintained in the security office until closed, are held 3 years then retired to Federal Records Center. The Federal Records center holds 27 years and then destroys.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Security Staff Office, Office of the Associate Director for Management, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORDS ACCESS PROCEDURES:

See the Access and Contest paragraph in the Preliminary Statement above in this notice. The Peace Corps conducts security investigations for the ACTION agency on a contract basis and resulting records are interfiled with Peace Corps records. All requests from the subjects of the ACTION records are referred to the ACTION General Counsel for a determination as to access and contest.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures".

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the following categories of sources: a. Applications and other personnel/security forms and information furnished by the individual. b. Investigative material furnished by other Federal agencies. c. By personal investigation or written inquiry from such sources as employers, schools, references, neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials and other sources as may be developed.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

These records or portions of these records may be exempted by authority of 5 U.S.C. 552a (k)(1), (k)(2), and (k)(5).

SYSTEM NAME:

Staff Applicant and Personnel Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Peace Corps, Office of Personnel Management, 806 Connecticut Avenue NW., Washington, D.C. 20526.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees, applicants, any individual involved in a grievance or grievance appeal or who has filed a complaint with the Equal Employment Opportunity Commission, Merit Systems Protection Board, Federal Labor Relations Authority, Federal Mediation and Conciliation Service, or other organization having jurisdiction over any aspect of employer/employee relations, and individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, consultants to Federal programs, or members of an Advisory Committee.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) The Grievance, Appeal and Arbitration files contain copies of petitions, complaints, charges, responses, rebuttals, evidentiary materials, briefs, affidavits, statements, records of hearings and decisions or findings of fact with respect thereto and incidental correspondence regarding complaints and appeals with respect to grievances and arbitration matters. (2) The Employees' Indebtedness files contain records which are primarily correspondence regarding alleged indebtedness of Peace Corps employees, including employees' responses, the agency's response to the employee and/or creditor and administrative correspondence and records relating to agency assistance to the employee in resolving the indebtedness, if appropriate. (3) The Performance Evaluation files consist of the annual performance evaluations of employee performance prepared by supervisors and reviewed by supervisory reviewing officials, together with comments, if any, by the employees evaluated. (4) The Management-Union Records system consists of automated data printouts showing an employee's name, grade, series, title, organizational entity and other associated data which determines his or her inclusion or exclusion from the bargaining unit under the existing union contract. The record also contains a printout showing the amount of dues withheld from each employee who has authorized such withholding, and other related data. (5) The Personnel Managment Information system is a computer-based record which includes data relating to tenure, benefits eligibility, whether former volunteer, end of tour dates, awards, etc., and other data needed by Personnel and agency managers which are used for management purposes. (6) The Inactive Service Record Card contains a record of personnel actions made during employment, forwarding address, reason for leaving, social security number, date of birth, tenure information and disposition of the official personnel folder.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, 22 U.S.C. 2501 et seq., provisions of Title 5, U.S.C., Title 5, Code of Federal Regulations, the Federal Personnel Manual, the Foreign Affairs Manual, Executive Order 11491 and other Executive Orders concerning management relations with employment organizations and various acts of Congress relating to personnel and security investigations.

PURPOSE(S):

This system was established to keep on record that information used to determine eligibility or suitability for employment; for payment of salary and other benefits; to effect personnel actions; to resolve complaints or grievances, and to provide essential employment-related information about employees to the Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Grievance, Appeal and Arbitration Records and Files—in addition to the general routine uses may be disclosed and used (a) To the Office of Personnel Management; the Merit Systems Protection Board and the Office of Special Counsel, MSPB, on request in conjunction with any appeal or in conjunction with its official duties with regard to personnel matters and investigation regarding complaints of Federal employees and applicants; (b) To designate hearing examiners, arbitrators and third-party appellate authorities involved in hearing or appeal procedures. (2) Employees' Indebtedness Records and files may be released under general routine uses 1 and 2 listed in the preliminary statement in this notice. Under routine use number 1 records may be released only to an appropriate Federal agency and the records may also be referred to a court of law and before an administrative board hearing matters related to probation and parole. (3) Performance Evaluation Files—in addition to the general routine uses may be disclosed to the Office of Personnel Management in connection with any request for information or inquiry as to Federal personnel regulations. (4) Management Union Records—in addition to the general routine uses may be disclosed and used for the following: (a) To the Peace Corps employees union for maintenance of its records with respect to dues and inclusion in the bargaining unit. (b) to the Treasury Department of preparation of payroll checks with appropriate withholding of dues. (c) to the OPM for union related

reporting in the area of management/labor relations. (5) Personnel Management Information System in addition to the general routine uses is used by agency officials for day to day work processing; statistical reports without personal identifiers; and for in-house reports relating to management. Information contained in this record is reflected in the individual's official personnel folder. (6) Inactive Service Record Card File—is used by personnel staff to verify service and for day to day work information. Unless specifically limited, information contained in these files is subject to the general routine uses listed in the above Preliminary Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, magnetic tape, lists or looseleaf binders and are stored in metal file cabinets with a three-way combination lock and/or secured rooms with access limited to those employees whose official duties require access.

RETRIEVABILITY:

Records are indexed by name or social security number or employee number.

SAFEGUARDS:

Records are available only to Peace Corps employees having a need for such records in the performance of their duties.

RETENTION AND DISPOSAL:

The Grievances and Appeals Files are destroyed three years after the case is closed. Adverse Action files are destroyed four years after the case is closed. Employee Indebtedness records are destroyed when six months old. Performance Evaluation records are destroyed one year after employee completes one year of acceptable performance from the date of written advance notice of proposed removal or reduction in grade notice; acceptable performance ratings are destroyed upon supersession. The Personnel Management Information system computer based inactive records are purged one year from the date of resignation, separation and termination of employees from Peace Corps rolls. The Inactive Employee Service Records are reviewed annually for the removal and destruction of records with resignation, separation and termination dates that are six or more years old. The Management Union lists are retained until superseded by a corrected or updated list.

SYSTEM MANAGER(S) AND ADDRESS:

The Director of Personnel has overall responsibility for the official records covered by this system. Inquiries regarding records in these systems may be addressed to the Director of Personnel, or to the Privacy Act Officer, Office of Administrative Services, Peace Corps, 806 Connecticut Avenue, NW., Washington, DC 20526.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORDS ACCESS PROCEDURES:

See the Access and Contest paragraph in the Preliminary Statement above in this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, the official personnel folder, statistical and other information developed by the Office of Personnel Management staff such as end of tour dates, arrival at post dates, and within class increase due dates, etc.; agency supervisors and reviewing officials, individual employee fiscal and payroll records; alleged creditors of employees; witnesses to any occurrences giving rise to a grievance, appeal or other action; hearing records and affidavits and other documents used or usable in connection with grievance, appeal, and arbitration hearings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

These records or portions of these records may be exempted by authority of (5 U.S.C. 552a(k)(5)).

SYSTEM NAME:

Talent Bank.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Personnel Management and the Office of Executive Talent Search and at agencywide manager's desks.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for staff employment with Peace Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

These files contain copies of applications for employment (SF–171), resumes submitted by applicants, and other background information regarding qualifications of the applicant for staff positions in Peace Corps.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, 22 U.S.C. 2501 et seq.

PURPOSE(S):

The purpose of this system is to provide a supply of qualified applicants for Country Director and senior level positions with the Peace Corps. This system also includes applications solicited or received by agency managers for unique or hard to fill positions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The contents of these records and files may be disclosed and used as follows: a. To the Office of Personnel Management with regard to any question of eligibility, suitability or qualifications of an applicant for employment. b. To any source from which information is requested in the course of an inquiry as to the qualifications of an applicant, to the extent necessary to identify the individual, inform the source of the nature and purpose of the inquiry, and to identify the type of information requested. c. To the Executive Office of the President for candidates for Country Director and policy making positions. d. To United States Ambassadors in Peace Corps countries for Country Director appointees. e. Subject to routine uses listed in the above Preliminary Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are maintained in folders in metal file cabinets with three-way combination locks, or in a locked room or area during nonworking hours.

RETRIEVABILITY:

Records are indexed in alphabetical order.

SAFEGUARDS:

Records are generally available only to Peace Corps employees with the need for such records in the performance of their duties.

RETENTION AND DISPOSAL:

Records filed in the Office of Personnel Management and the Office of Executive Talent Search banks are destroyed when applications are two

years old. Applications which result in appointments are filed in the Official Personnel Folder and when the employee leaves the agency are retired to the Federal Records Center in St. Louis, or forwarded to the next Federal employing office. Applications filed at agency manager levels are held no longer than one year.

SYSTEM MANAGER(S) AND ADDRESS:

The Director, Office of Personnel Management and the Director, Office of Executive Talent Search, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526. Agency managers located at Peace Corps headquarters and field offices.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORD ACCESS PROCEDURES:

See the Access and Contest paragraph in the Preliminary Statement above in this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from the individual and from oral or written inquiries from sources disclosed by the applicant such as: employers, schools, references, etc.

SYSTEMS EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

These records or portions of these records may be exempted by authority of (5 U.S.C. 552a(k)(5)).

SYSTEM NAME:

Travel Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Peace Corps Washington, D.C. and domestic and overseas field offices. Addresses are listed in the Preliminary Statement at the beginning of this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Peace Corps employee, expert, consultant/trainee/volunteer, contractor or other individual engaged in authorized official travel for the Peace Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel authorizations, vouchers; itinerary; Government Bills of Lading; packing letter and passport numbers which are included for overseas travel; diplomatic, offical and no-fee passports for staff, trainees and volunteers; completed visa applications (filed temporarily for Peace Corps Trainees), and other travel related material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, 22 U.S.C. 2501 et. seq. The Budget and Accounting Act of 1921; The Accounting and Auditing Act of 1950; The Federal Claim Collection Act of 1966.

PURPOSE(S):

This system is maintained to provide a record to account for and issue payments as a result of authorized official Peace Corps travel and for audit purposes for the accountability of the expenditure of Federal funds.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Subject to routine uses listed in the above Preliminary Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in metal filing cabinets with manipulation proof combination locks or key locked filing cabinets or in a locked room after business hours.

RETRIEVABILITY:

Records are arranged alphabetically by name in accord with categories i.e., staff travel file, Peace Corps Applicant/Trainee/Volunteer travel file, and consultant, expert, and invitational travel files. Some records are filed by country.

SAFEGUARDS:

Records are available only to headquarters Travel Branch staff, field administrative staff and other appropriate officials of the Peace Corps with a need for such records for the performance of their duties.

RETENTION AND DISPOSAL:

Records in the system are maintained for one year after the individual leaves the agency.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Travel Branch, Office of Administrative Services, 806 Connecticut Avenue, N.W., Washington, D.C. 20526, and the Administrative Officers in the Peace Corps' domestic and overseas field offices. The addresses for the three Service Centers, area recruiting offices and overseas posts change from time to time and may be obtained by contacting the Director, Office of Administrative Services, Peace Corps.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the above Preliminary Statement.

RECORD ACCESS PROCEDURES:

See the Access and Contest paragraph in the above Preliminary Statement.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Information is furnished by the individual traveller, supervisors or other Peace Corps staff.

SYSTEM NAME:

Volunteer Applicant and Service Records System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system is made up of subsystems which are located agencywide in Peace Corps offices. These locations are (a) Headquarters, (b) three Service Center offices and area and sub-area Recruitment offices, and (c) each Peace Corps overseas program office. The number of Peace Corps overseas offices flutuates as programs are added or withdrawn. Specific addresses will be provided upon request to the Director of Administrative Services. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, Peace Corps, c/o The American Embassy in the country.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Peace Corps volunteers, trainees and applicants for volunteer service including Peace Corps United Nations Volunteers. A record may exist in a subsystem depending on whether a record was established as part of the application, selection, placement, and service process.

CATEGORIES OF RECORDS IN THE SYSTEM:

This major system covers a number of temporary and permanent records established during the applicant, selection, placement, training and service stages. Most information maintained in this system is furnished by the individual. Generally, the individual is aware of any necessary investigations being conducted and is either counseled or authorizes such investigations. As the record progresses through the subsystems, generally, the

following folders may be established: PCV Applicant File; Medical File; and Trainee/Volunteer Service File. If certain situations warrant, a Special Services file may be established. These records are explained in detail in the following paragraphs. At the processing and program support desk levels temporary day to day sets of records may be used or set up to meet the needs of work processes. This information is usually extracted from the official record or is a duplicate of information contained in the official record and is utilized only as long as needed for a particular decision, project or period of service. Upon completion of the use of such records they are destroyed or, in the case of a permanent document or record, are forwarded to the Peace Corps Records Center for retirement.

(1) Volunteer Applicant Folder and Computer Based Record: This record contains forms related to the applicant process such as the application, references, invitation to training, trainee enrollment forms, correspondence relating to the application, copies of other application documents, such as a Peace Corps background investigation form, evaluator-recruiter interview forms. Information is extracted from the official record hard copy to create a computer record which is used to track progress, issue labels for correspondence to the applicant and account for the establishment, retirement and ultimate destruction of the individual record. Statistical information, without personal identifiers, is used from the computer record.

(2) Trainee and Volunteer Service Pay Folder and Computer based record: This record contains correspondence, forms related to pay allowances, travel and service such as, the Oath, designation of beneficiary, address, social security number, duty station, next of kin, trainee registration form, service and termination documents. Information is coded from hard copy documents to create a computer record for pay and verification of service purposes.

(3) Medical Folder: The medical record contains medical examination forms and fitness for duty reports, medical claims, correspondence and cables, medical histories, payment records, record of the consulting physician, treatment, hospitalization and disposition of the case, and history of psychiatric or psychological treatment.

(4) Special Services Folder: This record contains information pertaining to any unusual or extraordinary action or circumstances happening during service or causing the termination of the volunteer or trainee. These records contain details of reenrollments, reinstatements, death or termination. Details include name, country of assignment, program number, dates of the action, and supportive documentation. Supportive documentation would include termination reports, staff recommendations, cables, financial information, travel arrangements and medical clearance. Death cases may also include an autopsy report, documentation of account of the death, designation of beneficiary, police report, death certificate, correspondence related to final arrangements, money payments and other financial matters.

(5) Overseas Post Service and Medical Records: Contain correspondence and forms relating to in country service such as records of all payments or accrued credit to volunteers and trainees, advances or other items due to the government from volunteers or trainees, monthly living allowances, leave allowances, settling in allowances, property assignments. The medical record is maintained at post by the Peace Corps Health Official. It contains the entrance physical and dental examination records and record of treatment received while in Peace Corps.

(6) United Nations Volunteer Records: These records contain applications, correspondence related to the applicant/placement process, other records connected with the application, training and placement of persons wishing to serve or serving as United Nations Volunteers. For short periods of time references furnished by the applicant in support of the UNV application are kept in the UNV folder until the PC Applicant folder is received from the Office of Placement by Multilateral Programs. Then the UNV references, along with the UNV application, are forwarded to Geneva UNV. Medical history forms for UNV applicants are forwarded by the examining facility to Peace Corps Office of Medical Services, who, after medical clearance by Peace Corps, forward them to the Medical Office, Geneva/UNV. At the end of service or inactivation of the record the U.N.V. record is forwarded to the Peace Corps Record Center for combining and retirement as regular Peace Corps volunteer records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, 22 U.S.C. 2501 et seq., and The Budget and Accounting Act of 1950.

PURPOSE(S):

This system was established to maintain records of individuals who apply for Peace Corps Volunteer service and to record resulting actions taken on the applications and service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The contents of these records may be disclosed and used as follows:

(a) As stated in our general routine uses unless specifically exempted under this heading.

(b) To Peace Corps Volunteer host country officials to obtain visas, inform of pending arrival of the trainee/volunteer and for review of their qualifications for a program.

(c) To the trainee/volunteer's family or next of kin so that he or she may be located in case of emergency.

(d) To the Social Security Administration for crediting of social security accounts and reports withholdings.

(e) To the Internal Revenue Service to report on taxes paid and for income tax purposes.

(f) To Federal agencies having a need to verify volunteer eligibility for Federal employment under provision of Executive Order 11103.

(g) To the Treasury Department for purposes of issuing payroll checks, readjustment allowance checks or to report overpayments.

(h) To appropriate overseas U.S. Government agencies for monthly payroll preparation.

(i) To verify active or former service.

(j) Regarding the United Nations Volunteers records: In addition to our general routine uses the contents of these records may be disclosed and used as follows: 1. To designated officers and employers of the United Nations having a responsibility for the selection and placement of U.N. Volunteers. 2. To officials of a proposed host country desiring the assignment or placement of U.N. Volunteers.

(k) Regarding Medical records: Notwithstanding subsections (a) through (j), in addition to our general routine uses the medical records may be disclosed or used only as follows: 1. To the Office of Workers' Compensation Programs, U.S. Department of Labor in connection with claims under the Federal Employee's Compensation Act. 2. To a physician or other medical personnel treating or involved in the medical treatment and/or care of an applicant, trainee or volunteer and having a need for such records for the provision of the medical treatment of

care. If situations where it is practicable, the individual's consent will be obtained before releasing such information. 3. To psychiatrists or clinical psychologists when necessary for treatment. To the extent practicable disclosure will not be made without approval of the individual. 4. In death cases to notify designated life and/or personal property insurance companies to obtain payment of insurance benefits; to notify the Office of the Vice-President for the preparation of condolence letters; to the family and next of kin; and Department of State.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in folders, log books, cards, magnetic tape or disc packs with tape backup and are filed in metal filing cabinets with manipulation proof combination lock or in a room with a combination lock in the door, or in a locked room when not in use.

RETRIEVABILITY:

The majority of the subsystem records are retrievable alphabetically by the last name. A few are retrievable by the social security number; by subject headings but access may be gained by reference to an alphabetical name index; or by alphabetical order by country of assignment.

SAFEGUARDS:

Records are generally available only to Peace Corps employees with specifically assigned duties which require working with the records on a day to day basis. They are available to other Peace Corps employees having the need for such records in the performance of their official duties. Personnel screening is employed to prevent unauthorized disclosure. Officials or employees having access to the security investigation records are required to have an appropriate security clearance.

RETENTION AND DISPOSAL:

Most volunteer records are kept no longer than seven years. The Volunteer Personnel and Payroll Computer Record and the Volunteer Description of Service records are kept permanently. Medical records are destroyed as follows: (1) Records of rejected applicants are destroyed after 18 months: (2) records of trainees who do not become volunteers and records of individuals who enroll as volunteers are destroyed 25 years from the completion of service or termination date. Applicant records are destroyed as follows: (1) Immediately rejected applicant records are destroyed in six months; (2) records of applicants rejected before reporting to training are destroyed in one year; and (3) records of individuals who report to training are destroyed seven years from the completion of service or termination date.

SYSTEM MANAGER(S) AND ADDRESS:

As the record flows from one stage to another, or if a record is established for a specific purpose, the system manager is the agency official responsible for that particular function. If an individual is in doubt as to whom to contact, he or she should contact the Director, Office of Administrative Services. The system managers are:

1. The three Peace Corps Service Center Managers located at the New York Service Center; Chicago Service Center; and the San Francisco Service Center.

2. The following system managers are located at 806 Connecticut Avenue, N.W., Washington, DC 20526:

Chief, Office of Placement
Chief, Health Benefits and Analysis Division
Chief, Medical Operations Division
Chief, Volunteer and Staff Payroll Services Branch
Director, Management Information and Assessment Division
Supervisor, Peace Corps Applicant Records Center, Office of Placement
Director, Office of Special Services
Coordinator, Multilateral Programs Section
Peace Corps Country Desk Officers

3. The following system managers can be contacted at the overseas post of assignment:

Peace Corps Country Directors Overseas
Peace Corps Medical Officers Overseas.

NOTIFICATION PROCEDURE:

See the Notification paragraph in the Preliminary Statement above in this notice.

RECORD ACCESS PROCEDURE:

See the Access and Contest paragraph in the Preliminary Statement above in this notice.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Information is obtained from the individual; sources whom the individual has named; Peace Corps employees and other volunteer/trainees; medical personnel who have treated an applicant/trainee/volunteer or reviewed their medical records; medical contractors; U.S. Government investigative agencies, including the Office of Personnel Management; The Merit Systems Protection Board and its Special Counsel; The Federal Labor Relations Authority; local law enforcement officials; Peace Corps Host County Nationals; Peace Corps Country American Embassy and Consulates, United Nations Staff; and job supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

These records or portions of these records may be exempted by authority of 5 U.S.C. 552a(k)(5).

[FR Doc. 84-22721 Filed 8-24-84; 8:45 am]
BILLING CODE 6051-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. PA-9]

Privacy Act of 1974; Modification of System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Notification of modification of an existing system of records.

SUMMARY: The Commission is modifying an existing system of records which was previously identified in the **Federal Register**, 41 FR 41585, on September 22, 1976, as SEC–42, Name-Relationship Index System [NRS], and was amended on May 19, 1978 (43 FR 21771), April 15, 1981 (46 FR 22091), and September 2, 1981 (46 FR 44112). In addition, the Commission proposed amendments to SEC–42 on July 12, 1984 (49 FR 28498).

EFFECTIVE DATE: October 1, 1984, subject to approval from the Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Carol K. Scott (202–272–2474) or Jeanne Carter (202–272–2482), Office of the General Counsel.

SUPPLEMENTARY INFORMATION: The NRS is a computerized system of records that contains infromation concerning persons who are listed in certain reports and applications filed with the Commission, persons who are named in investigation and enforcement actions, and persons who are the focus of inquiries or complaints to the Commission. The system relates the name of the individual to the pertinent filing, investigation, enforcement action or Commission file. The current NRS system consists of index data from several other systems, including CATS (Case Tracking System); MUI (Matters

Under Inquiry); SV (Securities Violations), and WRKD (Workload Filing System).

The Commission is modifying the NRS system to improve its effectiveness and to reduce the time for searches by SEC staff. As a result of the modification, the system should be less expensive to operate. Changes to the system include: (1) Increasing the number of data bases which can be accessed through the NRS system; (2) expanding the system's search capabilities; (3) adding user assistance functions; (4) improving the quality and efficiency of input by permitting on-line editing; (5) changing the name of the system to the Name-Relationship Search System; and (6) eliminating the use of special request forms previously keypunched and procesed by computer to access the system. The additional data bases which the system will be able to access are CMP (Complaint System); SIRS (Security Information Reporting System; REG (Regulated Entities); and names furnished from Forms 10–K and proxy materials.

Under the current system, a user can obtain only summary index data from CATS, MUI, SV, and WRKD. In order to obtain in-depth information on a particular name, the user must sign off NRS and go directly to the applicable data base. The modified system will permit a user direct computer access to the specified data bases without leaving NRS. The modified system will also allow the user to conduct phonetic searches, and will include computer research aids such as page features and help screens.

The Commission is amending SEC–42 to reflect these changes to the NRS system, as set forth below. The amended portions of the notice are italicized.

1. In "System name," change the name from Name-Relationship Index System to Name-Relationship Search System.

2. In "Categories of individuals covered by the system," add individuals who are the focus of general inquiries or complaints to the Commission.

3. In "Retrievability," add that information is also retrieved by certain Commission identification numbers, and revise the section to reflect direct NRS access to other systems of records.

4. In "Safeguards," delete the reference to special request forms.

5. In "Retention and disposal," delete the reference to "the forms" (special request forms).

6. In "Record source categories," add complaint letters received by the Commission.

SEC–42

SYSTEM NAME:

Name-Relationship *Search* System (NRS).

SYSTEM LOCATION:

Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on principals and other individuals listed in filings by corporate issuers of securities; principals and other individuals listed in applications for registration and amendments thereto filed by broker-dealers, investment advisers, transfer agents (non-bank), municipal securities dealers (which are banks or separately identifiable departments or divisions of banks), clearing agencies (non-bank), and securities information processors; individuals who are required to file ownership reports as corporate insiders; individuals who are the subjects of matters under inquiry; individuals including defendants, respondents and witnesses, named in investigations and enforcement actions relating to securities violations; and individuals listed in filings by self-regulatory organizations regarding the entry or re-entry of statutorily disqualified persons into the securities business. *Records are also maintained on persons who are the focus of general inquiries or complaints to the Commission.*

CATEGORIES OF RECORDS IN THE SYSTEM:

The records are computerized and contain index information that relates the names of the individual to the docketed name of the formal filing or the case name when an enforcement or litigation proceeding is involved. The records include the SEC file numbers, date, information on the relationship, the social security number of the individual (if available), disposition of cases (if available), and violations alleged (if any).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 15, United States Code, Sections 77e, 77f, 77j, 77g, and 77o; 78f, 78l, 78m, 78o, 78o–1, 78p, 78q–1, and 78u; 79c, 79f, 79g, 79r, and 79s; 77eee, 77mmm, 77nnn, 77ttt, and 77uuu; 80a–8, 80a–20, 80a–29, 80a–32; 80a–40; 80a–44, and 80a–45; 80b–3, 80b–4, 80b–12, and 80b–16.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used as follows:

1. By authorized SEC personnel in connection with their official functions including, but not limited to, the processing of documents filed with the Commission, the conduct of investigations into possible violations of the Federal securities laws, and other matters relating to the Commission's regulatory and law enforcement functions.

2. To conduct name searches upon the request of authorized individuals in other governmental agencies (Federal, State, local or foreign), or securities self-regulatory organizations for purposes of carrying out their designated functions.

3. Where there is an indication of a violation or potential violations of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this sytem of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to any agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the firing or retention of an employee, the issuance of a security

clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

10. To aid in responding to inquiries from Members of Congress, the press and the public concerning matters that are within the Commission's jurisdiction.

11. In connection with the regulatory and enforcement responsibilities mandated by the Federal securities laws, or State or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the Federal Banking authorities, including but not limited to the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, State Securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

12. Records in this system may be disclosed as routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws or the Commission's Rules of Practice, 17 CFR 201.1 *et seq.* or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

13. Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

14. A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

15. Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in Federal securities laws.

16. Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

17. Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 200.735–1 *et seq.*, and who assists in the investigation by the Commission of possible violations of Federal securities laws, in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

18. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained on magnetic disk and tape.

RETRIEVABILITY:

Information is retrieved by the name of the individual *or by certain Commission identification numbers.* Access for inquiry purposes is via a computer terminal. *NRS contains index data from several SEC data bases, and several systems of records separately published pursuant to the Privacy Act. However, the NRS system may be used to directly access the orginal data in these other data bases or systems of records.*

SAFEGUARDS:

Access to NRS must be authorized by the division or office head or by a member of the staff pursuant to delegated authority. Direct data access via computer terminals is restricted to certain authorized personnel.

RETENTION AND DISPOSAL:

A record of search transactions is maintained on magnetic storage media. Computer tape and disk files, on which the data is stored, are available only through the librarian or chief of operations of the Office of Information Systems Management. Backup master files on tape are stored at a secured auxiliary SEC storage facility. Records are maintained indefinitely at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Information Systems Management, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room, 450 Fifth Street, N.W., Washington, D.C., or by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, Washington, D.C. 20549.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Privacy Act Officer, Securities and Exchange Commission, Washington, D.C. 20549.

CONTESTING RECORD PROCEDURES:

See Record access procedures above.

RECORD SOURCE CATEGORIES:

The sources include filings made by issurers, broker-dealers, investment advisers, insiders, self-regulatory organizations, and others; documents

relating to matters under inquiry; and enforcement actions. The enforcement documents are comprised of SEC opinions and orders, recommendations from SEC enforcement officials for institution of docketed investigations, court pleadings, and findings and orders issued by State and Federal courts, State securities boards, national securities exchanges, and self-regulatory organizations, and individuals, including the individual to whom the information relates. Information may also be received from other State, local or foreign law enforcement or regulatory organizations, as well as complaint letters received by the Commission.

Dated: August 20, 1984.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-22654 Filed 8-24-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 926; 803-33]

Victor Palmieri and Company, Inc.; Filing of Application for an Order Granting Exemption

August 21, 1984.

Notice is hereby given that Victor Palmieri and Company, Inc. ("Applicant"), 2021 K Street, NW., Suite 700, Washington, DC 20006, a California corporation registered as an investment adviser under the Investment Advisers Act of 1940 ("Act"), filed an application on August 12, 1983, requesting an order of the Commission pursuant to section 206A of the Act, exempting certain compensation arrangements between Applicant and Baldwin-United Corporation (the "Corporation") from the provisions of section 205(1) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of its relevant provisions.

Applicant states that since its organization in 1969, it has provided executive management services, primarily to businesses in financial distress or requiring reorganization, where Applicant's function has been to maximize the value of the businesses. Applicant states that its personnel have typically provided management and leadership resources to Applicant's client businesses, with responsibilities and duties substantially similar to those with operating subsidiaries. In situations where Applicant's client businesses have perceived a need for investment advice with respect to securities transactions, the businesses have generally sought such advice from investment bankers or others independent of Applicant. Applicant registered with the Commission as an investment adviser in 1977 in connection with advisory services rendered by Applicant to an Illinois multi-employer trust which administers an employee benefit plan.

Applicant typically has received some form of performance-based compensation for its services. For example, Applicant's personnel have served as senior executives of three companies subject to the direct or indirect supervision of courts and court appointed trustees. In each instance, Applicant received in addition to a base fee, some form of performance-based compensation, e.g., a fee based on gross or net proceeds of sales of the managed companies' assets, or in another case, a percentage of the increase in value of certain specified assets over the contract period.

According to the application, Baldwin-United Corporation (the "Corporation"), is a diversified financial services holding company engaged, through its subsidiaries, in the insurance, savings and loan, and other financial services businesses, (including trading stamps, sales incentive programs, and electronic data processing services and systems), and the manufacture and sale of musical instruments. The Corporation's insurance subsidiaries are subject to extensive state regulation, and those subsidiaries' immediate parent holding companies and the Corporation are also subject to regulation in many states. Because the Corporation owns a savings and loan company, the Corporation is also regulated by the Federal Home Loan Bank Board.

According to the application, the Corporation recently has experienced serious financial difficulties, stemming principally from the Corporation's inability to repay approximately $1 billion in short-term debt, and significant operating losses from single-premium deferred annuity ("SPDA") policies sold until recently by six of the Corporation's principal insurance subsidiaries. On July 13, 1983, the insurance commissioners of Arkansas and Indiana obtained title to the assets of the six insurance subsidiaries that sold SPDA policies by putting the subsidiaries into court-supervised "rehabilitation" proceedings. The Corporation and its subsidiaries reported assets as of December 31, 1982, in the amount of approximately $9.4 billion, including $1.5 billion in cash and short-term investments and $3.4 billion in marketable securities.

Applicant states that it has entered into a Services Agreement with the Corporation under which Applicant agreed to provide central executive leadership to the Corporation for a period of five years beginning May 15, 1983. Under that Services Agreement (i) Victor H. Palmieri (Chairman of Applicant) became president, chief executive officer, and a director of the Corporation, and (ii) Applicant committed itself to provide the Corporation between three and five additional senior executives, whose management duties, commitments, and responsibilities would be as recommeded to the Corporation's board of directors by Mr. Palmieri. The Services Agreement further provided that Mr. Palmieri "shall devote his full employment efforts to discharge of his responsibilities to the Corporation," and it is likewise anticipated by Applicant that any other of Applicant's personnel that become senior executives of the Corporation will devote their substantial employment efforts to the Corporation's affairs.

Applicant states that under the Services Agreement, Applicant will be paid $190,000 per month, adjusted annually on a cost-of-living basis, for the services and expenses of Applicant's personnel serving as senior executives of the Corporation. Applicant will, in addition, receive as compensation an option ("Option") to purchase, during a period of 210 days after February 15, 1988, 1,178,736 shares of the common stock of the Corporation (subject to adjustment in the event of stock splits, stock dividends, combinations, recapitalizations and the like), representing five percent of the number of shares outstanding as of May 17, 1983, at a price of $9.75 per share (the price per share on May 9, 1983). Applicant's right to exercise the Option is contingent upon Applicant's notification of the Corporation prior to February 15, 1985, that "[Applicant's] counsel has concluded that the exercise of the Option is consistent with the Investment Advisers Act of 1940."

Applicant states that if the Services Agreement were viewed as an investment advisory contract, a view that Applicant does not accept, section 205(1) of the Act would likely prohibit the proposed Option. Accordingly, Applicant requests an order under Section 206A of the Act exempting Applicant's receipt of the Option compensation provided for in the Services Agreement from provisions of section 205(1) of the Act. Applicant

contends that the grant of an exempton would not conflict with the purpose of section 205(1), which was intended to prohibit risk-promoting compensation practices by individuals providing investment advice concerning securities to others.

Applicant asserts that the essence of the arrangement between Applicant and the Corporaton does not present the type of situation to which the proscriptons of section 205(1) of the Act were intended to apply. First, the substance of Applicant's personnel's relationship to the Corporation is no different from that enjoyed by the senior management of other major American corporations, for whom stock Option compensation is frequently used. Under these circumstances, Applicant asserts that its personnel are "advising others" under the Services Agreement only in a technical sense, if at all. The fact the Applicant's personnel are retained as senior executives of the Corporation through Applicant's auspices should be viewed as of little consequence; Applicant exists simply for the purpose of maintaining a stable organizational structure through which the services of Mr. Palmieri and others can together be furnished from time to time to different businesses. Further, as senior executives of the Corporation, Applicant's personnel are charged with the overall management of the business of the Corporaton and its subsidiaries, including such matters as the sale of certain subsidiaries of the Corporation, dealing with state insurance regulators, and negotiations with the Corporation's creditors. Applicant asserts that if securities transactions were not one part of its business, the Option would not be prohibited by section 205(1) of the Act.

Applicant argues that the Corporation's securities transactions do not bring the Option within the scope of risk-promoting compensation practices at which section 205(1) was aimed. Applicant also contends that granting an exemption would be consistent with the protection of investors because the Corporation does not require the protection afforded by section 205(1). Applicant notes that the Corporation is a large diversified financial services company with expertise in business and contractual affairs. Moreover, the Services Agreement was approved by the Corporation's board of directors, whose members both individually and in the aggregate are represented to have the knowledge and business experience to be capable of evaluating the merits and risks of the Option. The Corporation has, in the past, established several stock Option plans for its directors, officers, and employees. Under these circumstances, Applicant contends that the Corporation does not require the protection afforded by section 205(1).

Applicant also notes that section 203(b)(2) of the Act excludes from the Act's registration requirement "any investment adviser whose only clients are insurance companies," and section 205 by its terms does not apply to persons exempt from registration pursuant to section 203(b). Applicant argues that while the Corporation is a diversified financial services company and not an insurance company *per se*, the fact that almost all of the Corporation's third-party securities are held by its insurance subsidiaries demonstrates that the requested exemption is consistent with the scope of investor protection that Congress intended.

Finally, Applicant contends that the Corporation's 15,700 shareholders, 10,800 employees, and millions of customers have a strong interest in the Corporation's procurement of highly capable management at an economical cost to guide the Corporation back to financial health. Applicant claims that the Option enables the Corporation to obtain such management services from Applicant in a manner that the Corporation can afford at a time when its cash resources are linited, and is a traditional method of compensating "turnaround specialists" who, like the Applicant, are retained to provide senior management for ailing companies.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 17, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-22733 Filed 8-24-84; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements for OMB Review

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before September 25, 1984. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

Copies

Copies of the proposed surveys and forms, the requests for clearance (S.F. 83), supporting statements, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Review.

FOR FURTHER INFORMATION CONTACT:

Agency clearance officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653–8538.

OMB reviewer: Kenneth Allen, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395–4814.

Information Collections Submitted to OMB

Title: Loan Closing Documents
Frequency: On Occasion
Description of Respondents: SBA Borrowers
Annual Responses: 23,250
Annual Burden Hours: 139,500
Type of Request: Existing collection in use without an OMB Number

Title: Settlement Sheet
Frequency: On Occasion
Description of Respondents: SBA Borrowers
Annual Responses: 23,250
Annual Burden Hours: 46,500
Type of Request: Existing collection in use without OMB Control Number

Dated: August 21, 1984.

Elizabeth M. Zaic,

Chief, Information Resources Management Branch, Small Business Administration.

[FR Doc. 84-22647 Filed 8-24-84; 8:45 am]

BILLING CODE 8025-01-M

Reporting and Recordkeeping Requirements for OMB Review

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before September 24, 1984. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

Copies

Copies of the proposed surveys and formis, the requests for clearance (S.F. 83), supporting statements, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency clearance officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538.

OMB reviewer: Kenneth Allen, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-4814.

Information Collections Submitted for Review

Title: Survey of Technical Assistance Users and Providers Relative to Small Business Innovation Research (SBIR Programs)
Frequency: One time, nonrecurring
Description of Respondents: Users and providers of technical assistance
Annual Responses: 1,200
Annual Burden Hours: 400

Type of Request: New
Title: Borrower Reports, Records, and Requests
Frequency: On occasion
Description of Respondents: Borrowers
Annual Responses: 350,000
Annual Burden Hours: 262,500
Type of Request: New

Title: Lender Reports, Records, and Requests
Frequency: On Occasion
Description of Respondents: Lenders
Annual Responses: 2,410
Annual Burden Hours: 4,820
Type of Request: New

Title: Other Development Company Reporting Requirements
Frequency: On Occasion
Description of Respondents: Development companies
Annual Responses: 600
Annual Burden Hours: 4,800
Type of Request: New

Title: SBDC Project Officer Checklist
Form No.: SBA 59
Frequency: Quarterly
Description of Respondents: Small business development centers
Annual Responses: 160
Annual Burden Hours: 320
Type of Request: Extension

Title: Application for Membership in Small Business Production or Research and Development Pool
Form No.: SBA 419
Frequency: On occasion
Description of Respondents: Small business firms
Annual Responses: 50
Annual Burden Hours: 100
Type of Request: Reinstatement

Title: Disaster Home Loan Interview and Referral Form
Form No.: SBA 700
Frequency: On occasion
Description of Respondents: Applicants requesting assistance
Annual Responses: 75,000
Annual Burden Hours: 18,750
Type of Request: Extension

Title: Application for Section 502/503 Loan (including a notice of expenditure in anticipation of application for Section 502/503 Loan when applicable)
Form No.: SBA 1244
Frequency: One per application for certification
Description of Respondents: Certified development companies and small business concerns
Annual Responses: 1,300
Annual Burden Hours: 4,225
Type of Request: New

Title: Application for Certification as a Certified Development Company
Form No.: SBA 1246
Frequency: One per application for certification
Description of Respondents: Certified development company applicants
Annual Responses: 175
Annual Burden Hours: 1,750
Type of Request: New

Title: Use of Proceeds—Section 503
Form No.: SBA 1429
Frequency: One for each loan closed
Description of Respondents: Small business concerns and certified development companies
Annual Responses: 1,500
Annual Burden Hours: 375
Type of Request: New

Title: SBA Long-Term Counseling Evaluation
Form No.: SBA 1434
Frequency: On occasion
Description of Respondents: Small business clients
Annual Responses: 12,000
Annual Burden Hours: 4,000
Type of Request: New

Dated: August 20, 1984.

Eliaabeth M. Zaic,

Chief, Information Resources Management Branch, Small Business Administration.

[FR Doc. 84-22652 Filed 8-24-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 03/03-0174]

American Security Capital Corp., Inc.; Issuance of License To Operate as a Small Business Investment Company

On June 20, 1984, a notice was published in the **Federal Register** (49 FR 25333), stating that an application has been filed by American Security Capital Corporation, Inc., 730 Fifteenth Street, NW., Washington, DC 20013, with the Small Business Administration (SBA) for a license to operate as a small business investment company (SBIC), pursuant to § 107.102 of the Regulations governing SBICs (13 CFR 107.102 (1984)).

Interested parties were given until the close of business July 21, 1984, to submnit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information.

SBA issued License No. 03/03-0174 to American Security Capital Corporation, Inc. on August 13, 1984, to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: August 16, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-22648 Filed 8-24-84; 8:45 am]

BILLING CODE 8025-01-M

South Carolina; Region IV Advisory Council; Public Meeting

The Small Business Administration, Region IV Advisory Council, located in the geographical area of Columbia, South Carolina, will hold a public meeting at 9:00 a.m., Tuesday, October 9, 1984, at the Carolina Inn, Columbia, South Carolina, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present

For further information, write or call John C. Patrick, District Director, U.S. Small Business Administration, P.O. Box 2786, Columbia, South Carolina—(803) 765-5373.

Dated: August 21, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-22651 Filed 8-24-84; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6202]

New Jersey; Designation of Disaster Loan Area

Atlantic County in the State of New Jersey constitutes a disaster area because of a fire which occurred on July 9, 1984, and the temporary closing of the Longport-Somers Point Bridge. eligible small businesses may file applications for economic injury assistance until the close of business on May 21, 1985, at the address listed below: Disaster Area 1 Office, Small Business Administration, 15-01 Broadway, Fairlawn, New Jersey 07410, 800-221-2091, or other locally announced locations. The interest rate for eligible applicants is 4%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 21, 1984.

Irene Castillo,

Acting Administrator.

[FR Doc. 84-22719 Filed 8-24-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-84-065]

Ship Structure Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Ship Structure Committee. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1, section 10(a)(2)).

DATE: October 11, 1984, 9:00 am to 1:00 pm.

ADDRESS: American Bureau of Shipping, 65 Broadway, New York, NY, Second Floor Committee Room.

FOR FURTHER INFORMATION CONTACT: LCDR D. B. Anderson, USCG; Secretary, Ship Structure Committee, U.S. Coast Guard Headquarters (G-MTH-4), Washington, DC 20593, (202) 426-2197.

SUPPLEMENTARY INFORMATION: The agenda for this meeting is as follows: to review the business and research projects of the Committee. Various ideas and concepts for the research program for FY86 will be discussed and developed. Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify LCDR D. B. Anderson, Secretary, Ship Structure Committee, not later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Dated: August 22, 1984.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 84-22680 Filed 8-24-84; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular, Public Debt Series—No. 26-84]

Treasury Notes of November 15, 1989; Series K-1989

August 22, 1984.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of Title 31, United State Code, invites tenders for approximately $6,500,000,000 of United States securities, designated Treasury Notes of November 15, 1989, Series K-1989 (CUSIP No. 912827 RE 4). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated September 4, 1984, and will bear interest from the date, payable on a semiannual basis on May 15, 1985, and each subsequent 6 months on Nobember 15 and May 15 until the principal becomes payable. They will mature November 15, 1989, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The securities are subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securites apply to the securities offered in this circular. These general regulations inlcude those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Daylight Saving time, Wednesday, August 29, 1984. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, August 28, 1984, and received no later than Tuesday, September 4, 1984.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue being auctioned prior to the designated closing time for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1 The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary' action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5. must be made or completed on or before Tuesday, September 4, 1984. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, August 30, 1984. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for allotted securities for their own accounts and for account of customers by credit to their Treasury Tax and Loan Note Accounts on or before Tuesday, September 4, 1984. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the

securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20239. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84-22756 Filed 8-24-84; 8:45 am]

BILLING CODE 4810-40-M

Internal Revenue Service

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Closed Meeting of Art Advisory Panel.

SUMMARY: A closed meeting of the Art Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held September 20 and October 10, 1984.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:C:E:V, 1111 Constitution Avenue, NW., Room 2575, Washington, D.C., 20224, Telephone No. (202) 566-9259, (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Advisory Panel will be held on September 20 and October 10, 1984, beginning at 9:30 a.m. in Room 3411, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c)(3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122.)

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 84-22736 Filed 8-24-84; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/761]

Advisory Committee to the United States National Section of the Inter-American Tropical Tuna Commission; Meeting

Notice is hereby given, pursuant to the provisions of Pub. L. 92-463, that a meeting of the Advisory Committee to the United States National Section of the Inter-American Tropical Tuna Commission will be held on September 10, 1984 from 9:30 A.M. to 11:30 A.M. in the auditorium of the Southwest Fisheries Center of the National Marine Fisheries Service at 8604 La Jolla Shores Drive, La Jolla, California.

The meeting will be open to the public and the public may participate in the discussions subject to the instructions of the committee Chairman. Subjects to be discussed include an evaluation of the 1984 fishery experience, a preliminary outlook for the 1985 fishery and U.S. views on the overall quota and other aspect of the management program.

Requests for further information on the meeting should be directed to Brian Hallman, OES/OFA, Room 5806, Department of State. He may be reached by telephone on (202) 632-1073.

Dated: August 21, 1984.

Edward E. Wolfe,

Deputy Assistant, Secretary for Oceans and Fisheries Affairs.

[FR Doc. 84-22835 Filed 8-24-84; 8:45 am]

BILLING CODE 4710-09-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 167
Monday, August 27, 1983

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

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, September 7, 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane K. Stuckey, 254-6314.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 84-22814 Filed 8-23-84; 2:54 pm]
BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, September 14, 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane K. Stuckey, 254-6314.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 84-22815 Filed 8-23-84; 2:54 pm]
BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, September 21, 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane K. Stuckey, 254-6314.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 84-22816 Filed 8-23-84; 2:54 pm]
BILLING CODE 6351-01-M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Monday, September 24, 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Briefing on the National Futures Association.

CONTACT PERSON FOR MORE INFORMATION: Jane K. Stuckey, 254-6314.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 84-22817 Filed 8-23-84; 2:54 pm]
BILLING CODE 6351-01-M

5

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Monday, September 24, 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: —Rule enforcement reviews

CONTACT PERSON FOR MORE INFORMATION: Jane K. Stuckey, 254-6314.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 84-22818 Filed 8-23-84; 2:54 pm]
BILLING CODE 6351-01-M

6

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, September 28, 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane K. Stuckey, 254-6314.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 84-22819 Filed 8-23-84; 2:54 pm]
BILLING CODE 6351-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:45 p.m. on Wednesday, August 22, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The First State Bank, Thayer, Kansas, which was closed by the Kansas State Bank Commissioner on Wednesday, August 22, 1984; (2) accept the bid for the transaction submitted by First State Bank, Thayer, Kansas, a newly-chartered State nonmember bank; (3) approve the applications of First State Bank, Thayer, Kansas, for Federal deposit insurance and for consent to purchase certain assets of and to assume the liability to pay deposits made in The First State Bank Thayer, Kansas; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: August 23, 1984.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 84-22819 Filed 8-23-84; 2:54 pm]
BILLING CODE 6351-01-M

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-22828 Filed 8-23-84; 8:24 pm]

BILLING CODE 6714-01-M

8

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL (NORTHWEST POWER PLANNING COUNCIL)

ACTION: Notice of meeting to be held pursuant to the Government in the Sunshine Act (5 U.S.C. 552b).

STATUS: Open. There will be an Executive Session from 8:30 a.m. to 10:00 a.m. on August 30, to discuss pending litigation and personnel matters.

TIME AND DATE: August 29, 1984; 1:30 p.m. and August 30, 1984; 10:00 a.m.

PLACE: The Hilton Hotel, Rose Ballroom, 921 SW Sixth Avenue, Portland, Oregon.

MATTERS TO BE CONSIDERED:

- Council Decision on Rivers Assessment Study.
- Council Decision on Interim Site Ranking of Hydroelectric Sites.
- Summary of Major Amendment Issues and Council Decision on Selected Fish and Wildlife Comments on Draft Amendment Document for the Columbia Basin Fish and Wildlife Program.*

  *The comment period on proposed amendments has ended. No additional comment will be taken at this meeting.
- Status Report on Regional Economy and Loads.
- Council Decision to Enter Into Rulemaking to Amend the Council's Surcharge Methodology.
- Council Decision on Model Options Process.
- Proposed Plan Amendment on Street & Area Lighting Action Item 12.13.
- Council Business.
- Public Comment.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Won, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-22740 Filed 8-23-84; 9:38 am]

BILLING CODE 0000-00-M

9

TENNESSEE VALLEY AUTHORITY

(Meeting No. 1336)

TIME AND DATE: 10:15 a.m. (EDT), Wednesday, August 28, 1984.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Agenda Items

Approval of minutes of meetings held on July 16 and July 20, 1984.

Action Items

Old Business Item

1. Staff Recommendations on cancellation of deferred nuclear units.

2. Final rate review.

*3. Personal services contract with Impell Corporation, Norcross, Georgia, for services of qualified personnel to perform rigorous analysis, alternate piping analysis, and pipe support design for TVA nuclear plants, requested by the Division of Engineering Design.

*4. Personal services contract with Gilbert/Commonwealth, Inc., Reading, Pennsylvania, for services of qualified personnel to perform rigorous analysis, alternate piping analysis, and pipe suport design for TVA nuclear plants, requested by the Division of Engineering Design.

New Business Items

A—Budget and Financing

A1. Payment from net power proceeds for fiscal year 1984 to the Treasury of the United States.

A2. Short-term borrowing under a master note arrangement with the Federal Financing Bank.

B—Purchase Awards

B1. Invitation 68-833845—Liquid radwaste treatment equipment—hyperfiltration systems and evaporator concentrates storage tank systems for Sequoyah and Watts Bar nuclear plants.

B2. Contract 80P65-171227—Pooled inventory management.

B3. Requisition 94—Coal for Johnsonville Steam Plant.

B4. Amendment to Contract 71C62-54114-2 with Babcock and Wilcox Company to provide for modifications and additions to the nuclear steam supply systems for the Bellefonte Nuclear Plant units 1 and 2.

B5. Amemdment to Contract 71C62-54114-2 with Babcock and Wilcox Company for Nuclear steam supply systems for the Bellefonte Nuclear Plant units 1 and 2—Project extension.

B6. Contract with the Norfolk Southern Corporation for transportation of coal to Kingston and John Sevier fossil plants.

C—Power Items

*C1. Supplement to subagreement under the TVA/Electric Power Research Institute General Agreement (TV-50942A): Utah-type bituminous coal test run on TVA's Texaco gasification pilot plant.

C2. Supplement to subagreement under the TVA/Electric Power Research Institute General Agreement (TV-50942A): Electric vehicle component testing and development.

C3. Cooperative research agreement with Dionex Corporation for development and demonstration of a custom-designed online water analyzer.

C4. Supplement to contract TV-62044A with Duke Power Company for phase II of the atmospheric fluidized bed combustion demonstration project.

C5. Sale of TVA's open pit uranium properties in the Gas Hills area of Wyoming.

C6. Agreement between the Institute of International Education and TVA whereby TVA will conduct and electric utility engineering training course for approximately 24 program participants from underdeveloped countries.

D—Personnel Items

D1. Supplement to personal services contract with BOSTI/ASD, New York, New York, to provide to TVA an independent evaluation of the office environmental concepts for the Chattanooga Office complex and to make recommendations with regard to interior space planning/design concepts, requested by the Office of Power.

D2. Supplement to personal services contract with Wyle Laboratories, Huntsville, Alabama, providing to TVA engineering and testing support as needed for the environmental qualification assessment of safety-related equipment at the Browns Ferry and Sequoyah nuclear plants, requested by the Office of Power.

D3. Personal services contract with United Research Company, Morristown, New Jersey, providing for assistance in the development and implementation of an organization-wide program to restructure and align TVA's Office of Power and Office of Engineering Design and Construction, requested by the Office of Power.

D4. Consulting contract with Roland A. Kampmeier, Chattanooga, Tennessee, for advice and assistance in connection with TVA's powr and energy related programs, requested by the Office of Power.

D5. Recommendations resulting from the decision of the Secretary of Labor regarding the prevailing rate of pay for electrical workers.

E—Real Property Transactions

*E1. Abandonment of certain flowage easement rights affecting approximately 0.03 acre of Fort Loudon Reservoir land in Loudon County, Tennessee—Tract No. FL-296F.

E2. Abandonment of certain flowage easement rights affecting approximately 0.34 acre of Fort Loudoun Reservoir land in Knox County, Tennessee—Tract No. FL-284F.

E3. Abandoment of certain easement rights affecting approximately 0.04 acre of Douglas Reservoir land in Jefferson County, Tennessee—Tract No. DR-882F.

E4. Sale of permanent easement to Omni Hospitality Group, Inc., for the construction, operation, and maintenance of a road to provide vehicular access to its Ramada Inn Motel Development, affecting 0.12 acre of Muscle Shoals Reservation land in Colbert County, Alabama—Tract No. XWDRA-5H.

F—Unclassified

*F1. Memorandum of agreement among the U.S. Department of Agriculture, University of Kentucky, and TVA covering arrangements for participation in the development and conduct of cooperative soil and water conservation programs in Kentucky.

*F2. Memorandum of agreement among the U.S. Department of Agriculture, the

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* Items approved by individual Board members. This would give formal ratification to the Board's action.

Tennessee Valley Authority, and the Tennessee Valley States covering arrangements for cooperation in soil and water conservation programs.

F3. Contract between TVA and Town of Rogersville, Tennessee, providing for assistance under TVA's economic impact mitigation program.

F4. Supplement to letter agreement with RECRA Research, Inc., for stream gage monitoring activities to be performed by TVA.

F5. TVA membership in the Transamerica Delaval, Incorporated diesel generator owners group.

F6. Changes in designation of certifying officers authorized to approve payments made by TVA.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632–8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: August 22, 1984.

W.F. Willis,

General Manager.

[FR Doc. 84–22795 Filed 8–23–84; 1:09 pm]

BILLING CODE 8120–01–M

federal register

Monday
August 27, 1984

Part II

Department of the Interior

Minerals Management Service

Outer Continental Shelf: North Atlantic; Notice of Leasing Systems, Sale 82 and Oil and Gas Lease Sale 82, Part 1; Notices

UNITED STATES
DEPARTMENT OF THE INTERIOR
Minerals Management Service

Outer Continental Shelf
North Atlantic
Notice of Leasing Systems, Sale 82

Section 8(a)(8)(43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act (OCSLA) requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the Federal Register:

1. identifying the bidding systems to be used and the reasons for such use; and

2. designating the blocks to be offered under each bidding system and the reasons for such designation.

This Notice is published pursuant to these requirements.

1. Bidding Systems to be Used. In the Outer Continental Shelf (OCS) Sale 82, blocks will be offered under the following two bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337(a)(1)): (a) bonus bidding with a fixed 16 2/3-percent royalty on 64 blocks and (b) bonus bidding with a fixed 12 1/2-percent royalty on all remaining unleased blocks.

a. Bonus Bidding with a 16 2/3-Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA. This system has been used extensively since the passage of the OCSLA in 1953 and imposes greater risks on the lessee than systems with higher contingency payments, but may yield more rewards if a commercial field is discovered. The relatively high front-end bonus payments may encourage rapid exploration.

b. Bonus Bidding with a 12 1/2-Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA. It has been chosen for certain blocks proposed for the North Atlantic (Sale 82) because these blocks are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water blocks. Department of the Interior analyses indicate that the minimum economically developable discovery on a block in such high-cost areas under a 12 1/2-percent royalty system would be less than for the same blocks under a 16 2/3-percent royalty system. As a result, more blocks may be explored and developed. In addition, the lower royalty rate system is expected to encourage more rapid production and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary constraints to competition.

2. Designation of Blocks. The selection of blocks to be offered under the two systems was based on the following factors:

a. Lease terms on adjacent, previously leased Federal blocks were considered to enhance orderly development of each field.

b. Blocks in deeper water were selected for the 12 1/2-percent royalty system based on the favorable performance of this system in these high-cost areas as evidenced in our analyses.

The specific blocks to be offered under each system are as follows:

1. Bonus Bidding with a 16 2/3-Percent Royalty.

NK 19-8			
40	83-84	126-127	168-169
NK 19-10			
648-660	737-747		
692-704	782-787		
NK 19-11			
621-622	776-777	859	899-900
665-666	819-821		
NK 19-12			
532-533			

2. Bonus Bidding with a 12 1/2-Percent Royalty.

All remaining unleased blocks in the sale.

Wm D Bettenberg
Director, Minerals Management Service
William D. Bettenberg

Approved: AUG 22 1984

Frank K. Richardson
Secretary of the Interior
Frank K. Richardson

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4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf, North Atlantic
Oil and Gas Lease Sale 82
Part 1

1. Authority. This Notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (30 CFR Part 256).

2. Filing of Bids. Sealed bids will be received by the Regional Manager (RM), Atlantic Outer Continental Shelf (OCS) Region, Minerals Management Service (MMS), 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180. Bids may be delivered, either by mail or in person, to the above address between 8:00 a.m. and 4:00 p.m., e.s.t. until the Bid Submission Deadline, at 1:00 p.m., e.s.t., September 25, 1984. Bids will not be accepted on September 26, 1984, the day of Bid Opening. Bids received by the RM later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the RM prior to 1:00 p.m., e.s.t., September 25, 1984. Bids may not be withdrawn unless written withdrawal is received by the RM prior to 9:00 a.m., e.s.t., September 26, 1984. Bid Opening Time will be 10:00 a.m., e.s.t., September 26, 1984, at Ballroom 2, Tysons West Park Hotel, 8401 West Park Drive at State Route 7, McLean, Virginia. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale appeared in the Federal Register at 49 FR 12767 on March 30, 1984.

3. Method of Bidding. Tract numbers will not be used. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease Sale 82, Part I, (map number; map name (if applicable), and block number(s)), not to be opened until 10:00 a.m., e.s.t., September 26, 1984," must be submitted for each block or prescribed bidding unit bid upon. For example, a label would read as follows: "Sealed Bid for Oil and Gas Lease Sale No. 82, Part I, NK 19-5, Block 788, not to be opened until 10:00 a.m., e.s.t. September 26, 1984." For those blocks which must be bid upon together as a bidding unit (see paragraph 12), it is recommended that all numbers of blocks comprising the bidding unit appear in the label on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the U. S. Department of the Interior--Minerals Management Service. No bid for less than all of the unleased portions of a block or bidding unit as described

in paragraph 12 will be considered. Partnerships also must submit or have on file in the Atlantic Regional Office, a list of signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this sale must provide for a cash bonus in the amount of $371 or more per hectare or fraction thereof. All leases resulting from this sale will provide for a yearly rental payment of $8 per hectare or fraction thereof. All leases awarded will provide for a minimum royalty of $8 per hectare or fraction thereof. The following bidding systems will be utilized:

(a) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the following blocks must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent:

NK 19-8

40	83-84	126-127	168-169

NK 19-10

648-660	692-704	737-747	782-787

NK 19-11

621-622	776-777	859
665-666	819-821	899-900

NK 19-12

532-533

(b) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the remaining blocks in this sale must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982) and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See paragraph 14(a), "Information to Lessees."

6. Bid Opening. Bid opening will begin at the Bid Opening Time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid will be deposited by the Government in an interest bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted and no lease for any block or bidding unit will be awarded to any bidder unless:

(a) the bidder has complied with all requirements of this Notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $371 or more per hectare or fraction thereof. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, or other applicable regulations, may be returned to the person submitting that bid by the Regional Manager and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid together with the first year's annual rental, as specified below, and satisfy the bonding requirements of 30 CFR 256, Subpart I.

For this lease sale, the Minerals Management Service will utilize procedures for the electronic funds transfer (EFT) payment of four-fifths of the cash bonus bid and the first year's annual rental for each lease issued. Successful bidders are required to submit the balance of the bonus and the first year's annual rental payment by EFT utilizing the Federal Reserve Communications System and the Treasury Financial Communications System, payable to the Department of the Interior--MMS. The RM will provide more detailed instructions on making the EFT payments when bidders are qualified to submit bids at the sale. Bidders are referred to the final rule (30 CFR 218.155) which appeared in the Federal Register on March 8, 1984, at 49 FR 8602

11. Official Protraction Diagrams (OPD). Blocks and bidding units offered for lease may be located on the following OPD's which may be purchased for $2.00 each from the Regional Supervisor, Leasing and Environment, Atlantic OCS Region, at the address stated in paragraph 2 of this Notice:

NK 19-5		(Approved May 27, 1982)
NK 19-8	Chatham	(Approved April 18, 1979)
NK 19-10	Block Island Shelf	(Approved August 22, 1983)
NK 19-11		(Approved October 31, 1974)
NK 19-12		(Approved April 29, 1975)
NJ 19-1	Block Canyon	(Approved June 22, 1977)
NJ 19-2	Veatch Canyon	(Approved January 25, 1979)
NJ 19-3		(Approved May 21, 1980)

12. Description of the Areas Offered for Bids. This is a partial offering of Sale 82 blocks originally proposed for leasing. Some blocks identified in the proposed Notice of Sale as being subject to the maritime boundary dispute between the United States and Canada may be offered in Part II of Sale 82 following a ruling by the International Court of Justice. In that event, a separate final Notice of Sale for Sale 82, Part II, will be published.

Note: All blocks contain 2,304 hectares, unless otherwise indicated on the lists which appear as items (b) or (c) of this paragraph.

(a) The following blocks or portions of blocks are offered for bids:

NK 19-5

788	874-876	918-920	962-964	1005-1008
830-832				

NK 19-8, Chatham

37-40	80-84	124-127	168-169	

NK 19-10, Block Island Shelf

648-660	692-704	737-747	782-787	

NK 19-11

621-622	783-786	832	899-903	947
665-666	788	857-859	911	950-955
739-741	819-822	863-865	913-920	957-964
776-778	828-830	870-876	943-945	986-989
				991-1008

NK 19-12

451-453	579-591	705-706	793-794	969-986
495-497	619-621	708-710	796-798	
499-502	623-626	712-724	800-813	
532-533	628-635	749-750	837-857	
535-546	665	752-754	881-900	
575-577	667-680	756-769	925-943	

NJ 19-1, Block Canyon

41	161-168	337-348	557-572	777-792
73-79	175-176	381-393	601-616	821-836
85-88	205-214	425-438	645-660	865-880
117-124	220	469-482	689-704	920-924
131-132	249-258	513-527	733-748	967-968
	293-303			

NJ 19-2, Veatch Canyon

13-37	133-169	355-384	662-677	882-885
45-47	177-213	486-511	706-719	926-928
57-81	221-256	530-551	750-760	970-971
89-96	266-300	574-592	794-804	
98-125	310-340	618-636	838-846	

NJ 19-3

1-15	45-59	89-101	133-139	177

(b) The following partial blocks must be bid on individually:

NK 19-11

Block	Description	Hectares	Block	Description	Hectares
741	W½W½; SE¼SW¼.	720.00	911	W½; SW¼SE¼.	1296.00
778	W½.	1152.00	913	E½; E½W½.	1728.00
788	E½; E½NW¼.	1440.00	947	E½; NW¼;	
822	SW¼NE¼; W½;			N½SW¼; SE¼SW¼.	2160.00
	W½SE¼;SE¼SE¼.	1728.00	955	NW¼NE¼; S½NE¼;	
857	W½.	1152.00		W½; SE¼.	2160.00
858	E½E½.	576.00	989	SW¼NE¼;	
				W½; SE¼.	1872.00

NK 19-12

Block	Description	Hectares	Block	Description	Hectares
451	NE¼; N½NW¼;		577	W½.	1152.00
	SE¼NW¼; SE¼.	1584.00	579	E½; E½W½.	1728.00
495	E½E½.	576.00	619	NE¼NE¼.	144.00
533	W½NE¼; SE¼NE¼;		621	W½.	1152.00
	W½; N½SE¼.	1872.00	623	E½; E½W½.	1728.00
535	E½; SE¼SW¼.	1296.00	665	W½NE¼; W½;	
575	E½E½.	576.00		W½SE¼; SE¼SE¼.	1872.00
			794	S½NE¼; NW¼NE¼;	
				NW¼; S½.	2160.00

NJ 19-1, Block Canyon

Block	Description	Hectares	Block	Description	Hectares
212	W½.	1152.00	213	E½E½.	576.00

NJ 19-2, Veatch Canyon

Block	Description	Hectares	Block	Description	Hectares
19	SE¼NW¼; W½NW¼;		96	W½E½; W½.	1728.00
	SW¼.	1008.00	98	E½; E½NW¼;	
63	W½NE¼; W½;			NE¼SW¼.	1584.00
	SE¼.	2016.00			

(c) The following blocks are grouped into bidding units and must be bid on together:

NK 19-11

Block	Description	Block Hectares	Bidding Unit Hectares
785	W½NE¼; W½; SE¼.	2016.00	
786	SW¼SW¼.	144.00	2160.00

NK 19-11

Block	Description	Block Hectares	Bidding Unit Hectares
830	SW¼NE¼; W½; W½SE¼; SE¼SE¼.	1728.00	
875	SW¼NW¼; W½SW¼; SE¼SW¼.	576.00	2304.00

NK 19-11

Block	Description	Block Hectares	Bidding Unit Hectares
901	W½.	1152.00	
945	W½.	1152.00	2304.00

NK 19-11

Block	Description	Block Hectares	Bidding Unit Hectares
902	E½NE¼.	288.00	
991	E½E½; NW¼NE¼.	720.00	1008.00

NK 19-12

Block	Description	Block Hectares	Bidding Unit Hectares
539	E½E½.	576.00	
583	NE¼NE¼.	144.00	720.00

NK 19-12

Block	Description	Block Hectares	Bidding Unit Hectares
538	NW¼; W½SW¼.	864.00	
582	W½NW¼; SW¼.	864.00	1728.00

NK 19-12

Block	Description	Block Hectares	Bidding Unit Hectares
626	W½NE¼; W½; W½SE¼; SE¼SE¼.	1872.00	
671	W½NW¼; NW¼SW¼.	432.00	2304.00

NK 19-12

Block	Description	Block Hectares	Bidding Unit Hectares
667	N½NE¼; SE¼NE¼; E½SE¼.	720.00	
710	SW¼SW¼.	144.00	
754	W½NW¼; SW¼; S½SE¼.	1152.00	2016.00

NK 19-12

Block	Description	Block Hectares	Bidding Unit Hectares
706	SW¼NW¼; W½SW¼.	432.00	
750	SW¼NE¼; W½NW¼; SE¼NW¼; SW¼; W½SE¼.	1440.00	1872.00

NJ 19-1, Block Canyon

Block	Description	Block Hectares	Bidding Unit Hectares
86	E½NE¼.	288.00	
131	E½; E½NW¼; SW¼.	2016.00	2304.00

NJ 19-1, Block Canyon

Block	Description	Block Hectares	Bidding Unit Hectares
124	W½NW¼; SE¼NW¼; SW¼.	1008.00	
168	W½.	1152.00	2160.00

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale for the following blocks or indicated portions of blocks will be for an initial term of 10 years:

NK 19-11

783-784; 785-W½NE¼,W½,SE¼; 786-SW¼SW¼; 788-E½,E½NW¼; 828-829; 830-SW¼NE¼,W½,W½SE¼,SE¼SE¼; 832; 870-874; 875-SW¼NW¼,W½SW¼,SE¼SW¼; 876; 902-E½NE¼; 911-W½,SW¼SE¼; 913-E½,E½W½; 914-920; 950-954; 955-NW¼NE¼,S½NE¼,W½,SE¼; 957-964; 989-SW¼NE¼,W½,SE¼; 991-E½E½,NW¼NE¼; 992-1008

NK 19-12

499-502; 539-E½E½; 541-546; 583-NE¼NE¼; 584-591; 619-NE¼NE¼; 624-625; 626-W½E½,W½,SE¼SE¼; 628-635; 665-W½,W½E½,SE¼SE¼; 667-N½NE¼,SE¼NE¼,E½SE¼; 668-670; 671-W½NW¼,NW¼SW¼; 672-680; 705; 706-SW¼NW¼,W½SW¼; 708-709; 710-SW¼SW¼; 712-724; 749; 750-SW¼NE¼,W½NW¼,SE¼NW¼,SW¼,W½SE¼; 752-753; 754-W½NW¼,SW¼,S½SE¼; 756-769; 793; 794-S½NE¼,NW¼NE¼,NW¼,S½; 796-798; 800-813; 837-857; 881-900; 925-943; 969-986

NJ 19-1, Block Canyon

41; 85; 86-E½NE¼; 117-121; 123; 124-W½NW¼,SE¼NW¼,SW¼; 131-E½,E½NW¼,SW¼; 132; 161-167; 168-W½; 175-176; 205-211; 212-W½; 213-E½E½; 214; 220; 249-258; 293-303; 337-348; 381-393; 425-438; 469-482; 513-527; 557-572; 601-616; 645-660; 689-704; 733-748; 777-792; 821-836; 865-880; 920-924; 967-968

NJ 19-2, Veatch Canyon

15-18; 19-SE¼NW¼,W½NW¼,SW¼; 20-37; 57-62; 63-W½NE¼,W½,SE¼; 64-81; 89-95; 96-W½E½,W½; 98-E½,E½NW¼,NE¼SW¼; 99-125; 133-169; 177-213; 221-256; 266-300; 310-340; 355-384; 486-511; 530-551; 574-592; 618-636; 662-677; 706-719; 750-760; 794-804; 838-846; 882-885; 926-928; 970-971

NJ 19-3

1-15; 45-59; 89-101; 133-139; 177

All other leases issued as a result of this sale will be for an initial term of 5 years. Leases will be on Form MMS-2005 (August 1982), available from the Regional Manager, at the address stated in paragraph 2.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale.

Stipulation No. 1--Protection of Cultural Resources

(a) "Cultural resource" means any site, structure, or object of historic or prehistoric archeological significance. "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Manager (RM) believes a cultural resource may exist in the lease area, the RM will notify the lessee in writing. The lessee shall then comply with subparagraphs (1) through (3).

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RM, to determine the potential existence of any cultural resource that may be affected by operations. The report, prepared by an archeologist and geophysicist, shall be based on an assessment of data from remote-sensing surveys and of other pertinent cultural and environmental information. The lessee shall submit this report to the RM for review.

(2) If the evidence suggests that a cultural resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to adversely affect the area where the cultural resource may be; or

(ii) Establish to the satisfaction of the RM that a cultural resource does not exist or will not be adversely affected by operations. This shall be done by further archeological investigation, conducted by an archeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RM. A report on the investigation shall be submitted to the RM for review.

(3) If the RM determines that a cultural resource is likely to be present on the lease and may be adversely affected by operations, he will notify the lessee immediately. The lessee shall take no action that may adversely affect the cultural resource until the RM has told the lessee how to protect it.

(c) If the lessee discovers any cultural resource while conducting operations on the leased area, the lessee shall report the discovery immediately to the RM. The lessee shall make every reasonable effort to preserve the cultural resource until the RM has told the lessee how to protect it.

Stipulation No. 2--Protection of Biological Resources

If biological populations or habitats which may require additional protection are identified by the Regional Manager (RM) in the leased area, the RM will require the lessee to conduct environmental surveys or studies, including sampling, as approved by the RM, to determine existing environmental conditions, the extent and composition of biological populations or habitats, and the effects of proposed or existing operations on the populations or habitats which might require additional protective measures. The RM shall provide written notice to the lessee of his decision to require such surveys or studies. The nature and extent of any surveys or studies will be determined by the RM on a case-by-case basis.

Based on any surveys or studies which the RM may require of the lessee, the RM may require the lessee to: (1) relocate the site of operations so as not to adversely affect the significant biological populations or habitats deserving protection; or (2) modify operations in such a way as not to adversely affect the significant biological populations or habitats deserving protection; or (3) establish to the satisfaction of the RM that such operations will not adversely affect the significant biological populations or habitats deserving protection. Based on any surveys or studies which the RM may require of the lessee, the RM may also require the lessee to provide for periodic sampling of environmental conditions during operations.

The lessee shall submit all data obtained in the course of such surveys or studies to the RM, with locational information for drilling or other activity. The lessee may take no action that might result in any effect on the biological populations or habitats surveyed until the RM provides written directions to the lessee with regard to permissible actions.

In the event that important biological populations or habitats are identified subsequent to commencement of operations, the lessee shall make every reasonable effort to preserve and protect all biological populations and habitats within the lease area until the RM provides written instructions to the lessee with regard to the biological populations or habitats identified. Operations, including siting, must be conducted as specified by the RM so as to ensure the protection and continued viability of the biological populations or habitats deserving protection in a manner consistent with the other purposes of the Outer Continental Shelf Lands Act, as amended.

Stipulation No. 3--Transportation of Hydrocarbons

Pipelines will be required: (1) if pipeline rights-of-way can be determined and obtained; (2) if laying such pipelines is technologically feasible and environmentally preferable; and (3) if, in the opinion of the lessor, the laying of pipelines is economically feasible taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, including any loading facilities, consideration will be given to any recommendation of the Regional Technical Working Group or other similar advisory group with participation of Federal, State, and local governments and industry. Where feasible and environmentally preferable, all pipelines, including both flow lines and gathering lines for oil and gas, shall be shrouded or buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other factors as determined on a case-by-case basis. All valves, taps, or other irregular surfaces that might be vulnerable or might damage fishing gear will be buried to a minimum of one foot, or to a depth suitable for adequate protection, or covered with an approved protective dome which will allow commercial trawling gear to pass over the structure without snagging or damaging the structure or fishing gear.

If, due to the criteria outlined above, pipelines are required, then no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency, following the completion of pipeline installation. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Regional Manager (RM). Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying crude oil to shore from the leased area will conform with all applicable sections of the Ports and Waterways Safety Act, 33 U.S.C. 1221 et. seq.

Subsea wellheads and temporary abandonments, or suspended operations that leave protrusions above the seafloor, shall be protected, if feasible and as appropriate, in such a manner as to allow commercial fisheries trawling gear to pass over the structure without snagging or otherwise damaging the structures or the fishing gear. Latitude and longitude coordinates of these structures, along with water depths, shall be submitted to the RM. The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with accuracy of at least ± 150 feet at 200 miles.

Stipulation No. 4--Disposal of Drilling Discharges

The Regional Manager (RM) may require the lessee to dispose of drill cuttings and drilling muds by shunting the material to a depth and location below the ocean surface as specified by the RM, or by transporting the material to disposal sites approved by the U.S. Environmental Protection Agency (EPA). After consultation with the EPA, the RM shall determine the method of disposal based upon review of the data obtained from the surveys and studies established pursuant to Stipulation No. 2 and from other relevant sources of information. The RM may require stricter discharge criteria than those established by EPA.

Based upon the composition of produced formation waters, the site-specific environmental conditions in a leasing area, and the data obtained from the surveys and studies established pursuant to Stipulation No. 2, as well as data from other relevant sources, the RM may require the lessee to reinject formation waters. The RM shall provide written notice to the lessee of a decision to require reinjection of such formation waters.

Stipulation No. 5--Fisheries Training Program

A proposed fisheries training program shall be included as a part of the lessee's exploration and development plans submitted under 30 CFR 250.34. The proposed program shall undergo review by the Regional Manager to ensure its adequacy pursuant to the requirements of this stipulation. An approved fisheries training program shall be a prerequisite to approval of an exploration or development plan. The training program shall be for the personnel involved in vessel operations (related to offshore exploration, including postlease geophysical surveys and development and production operations) and platform and shorebased supervisors. The purpose of the training program shall be to familiarize persons working on the project of the value of the commercial fishing industry, the methods of offshore fishing operations, and the potential hazards, conflicts, and impacts resulting from offshore oil and gas activities. The program shall be formulated and implemented by instructors qualified and experienced in fishing activities common to the region, methods of communication, and navigational safety.

Stipulation No. 6--Joint Use of Military Operating Areas

(To be included in leases resulting from this sale for the following blocks.)

Blocks falling within Air Force Warning Area W-506.

NK 19-11

739-740; 741-W½W½,SE¼SW¼; 776-777; 778-W½; 783-784; 785-W½NE¼,W½,SE¼; 786-SW¼SW¼; 788-E½,E½NW¼; 819-821; 822-SW¼NE¼,W½,W½SE¼,SE¼SE¼; 828-829; 830-SW¼NE¼,W½,W½SE¼,SE¼SE¼; 832; 863-865; 870-874; 875-SW¼NW¼,W½SW¼,SE¼SW¼; 876; 911-W½,SW¼SE¼; 913-E½,E½W½; 914-920; 950-954; 955-NW¼NE¼,S½NE¼,W½,SE¼; 957-964; 992-1008

NJ 19-2, Veatch Canyon

21-37; 65-81

Blocks falling within the Narragansett Bay Operating Area.

NK 19-10, Block Island Shelf

648; 692-693; 737-744; 782-787

NK 19-11

776-777; 778-W½; 819-821; 822-SW¼NE¼,W½,W½SE¼,SE¼SE¼; 857-W½; 858-E½E½; 859; 863-865; 899-900; 901-W½; 902-E½NE¼; 903; 911-W½,SW¼SE¼; 943-944; 945-W½; 947-E½,NW¼,N½SW¼,SE¼SW¼; 950-954; 955-NW¼NE¼,S½NE¼,W½,SE¼; 986-988; 989-SW¼NE¼,W½,SE¼; 991-E½E½,NW¼NE¼; 992-999

NJ 19-1, Block Canyon

41; 73-79; 85; 86-E½NE¼; 87-88; 117-123; 124-W½NW¼,SE¼NW¼,SW¼; 131-E½,E½NW¼,SW¼; 132; 161-167; 168-W½; 175-176; 205-211; 212-W½; 213-E½E½; 214; 220; 249-258; 293-303; 337-348; 381-393; 425-438; 469-482; 513-527; 557-572; 601-616; 645-660; 689-704; 733-748; 777-792; 821-836; 865-880; 920-924; 967-968

NJ 19-2, Veatch Canyon

13-18; 19-SE¼NW¼,W½NW¼,SW¼; 20-28; 45-47; 57-62; 63-W½NE¼,W½,SE¼; 64-72; 89-95; 96-W½E½,W½; 98-E½,E½NW¼,NE¼SW¼; 99-116; 133-160; 177-204; 221-248; 266-292; 310-336; 355-384; 486-508; 530-551; 574-592; 618-636; 662-677; 706-719; 750-760; 794-804; 838-846; 882-885; 926-928; 970-971

a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any person or persons, or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by, or on behalf of, the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors, or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the relevant Federal facility specified below. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, invitees, or employees.

Notwithstanding any limitation of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault of the United States, its contractors or subcontractors, or any of their officers, agents, invitees, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, the agents, employees, or invitees of the lessee, its agents, or any independent contractors, or subcontractors doing business with the lessee in connection with the programs and activities of the below listed Federal facilities, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees, and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) The lessee, when operating or causing to be operated on its behalf, boat, ship, or aircraft traffic into the leased area or surrounding area of the lease shall enter into an agreement with the Commanding Officer of the relevant Federal facility listed below, prior to commencing such traffic. Such agreement shall provide for positive control of boats, ships, and aircraft operating in the designated areas and will provide for the avoidance of interference with the programs and activities of the Federal facility.

(c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors, or subcontractors emanating from the leased area or surrounding area of the lease in accordance with the requirements specified by the Commanding Officer of the relevant Federal facility, to the degree necessary to prevent damage to, or unacceptable interference with, the programs and activities of the relevant Federal facility identified below.

Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors, or subcontractors will be effected by the Commanding Officer of the relevant Federal facility provided, however, that control of such electromagnetic communication shall in no instance prohibit all manner of electromagnetic communications during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

(d) Following is a list of Federal facilities with operations in the lease sale area. The lessee will contact the Regional Supervisor, Field Operations (RS/FO) for the name(s) of the facility(ies) relevant to the leased block.

Commander
Submarine Group TWO
Naval Submarine Base
Groton, Connecticut 06340

Commanding Officer
Fleet Area Control and
Surveillance Facility
Virginia Capes
Virginia Beach, Virginia 23460

Commanding Officer
24th Air Division
Griffiss Air Force Base
Rome, New York 13441

Stipulation No. 7--Occupancy in Submarine Lanes

(This stipulation will be included in leases issued on the following blocks or portions of blocks.)

NK 19-10, Block Island Shelf

648-South and West of a diagonal line from the NW corner to the SE corner; 692; 693-South and West of a diagonal line from the NW corner to the SE corner; 737; 738-South and West of a diagonal line from the NW corner to the SE corner; 782; 783-South and West of a diagonal line from the NW corner to the SE corner.

NJ 19-1, Block Canyon

41-South and West of a diagonal line from the NW corner to the SE corner; 78-North and East of a diagonal line from the NW corner to the SE corner; 79; 85; 123-North and East of a diagonal line from the NW corner to the SE corner; 131-South and West of a diagonal line from the NW corner to the SE corner; 175; 176-South and West of a diagonal line from the NW corner to the SE corner; 213-214; 220; 258; 302-North and East of a diagonal line from the NW corner to the SE corner; 303; 347-North and East of a diagonal line from the NW corner to the SE corner; 348; 392-North and East of a diagonal line from the NW corner to the SE corner; 393; 437-North and East of a diagonal line from the NW corner to the SE corner; 438; 482-North and East of a diagonal line from the NW corner to the SE corner; 526-North and East of a diagonal line from the NW corner to the SE corner; 527; 571-North and East of a diagonal line from the NW corner to the SE corner; 572; 616; 660; 704; 748; 792; 836; 880; 924; and 968.

NJ 19-2, Veatch Canyon

177-South and West of a diagonal line from the NW corner to the SE corner; 221; 266; 310; 311-South and West of a diagonal line from the NW corner to the SE corner; 355-384; 486-511; 530; 574; 618; 662; 706; 750; 794; 838; 882; 926; 970.

No structures or drilling rigs will be allowed within the block or indicated portion of the block, nor will anchor chains or other subsurface equipment be permitted to break the vertical plane passing through the block borders adjacent to the submarine transit lane and extending to the ocean floor.

Stipulation No. 8--Canyon Protection

(Maps depicting the areas identified below are available from the Regional Manager at the address stated in paragraph 2 of this Notice.)

(a) No drilling operations will be permitted in the below listed blocks within 200 meters of the geographical boundaries of submarine canyons as defined by the National Oceanic and Atmospheric Administration (NOAA).

NK 19-11

741; 778; 785-786; 788; 822; 830; 832; 858; 875-876; 901; 911; 913; 919; 945; 947; 955; 957; 989; 991; 1000-1001

NK 19-12

451; 533; 535; 538-539; 577; 582-584; 619-620; 626; 628; 665; 667; 671-672; 706; 708; 710; 715-716; 750; 752; 754; 756; 759; 794; 796; 800; 837; 839-840; 842-844; 883-884; 887

NJ 19-1, Block Canyon

41; 86-87; 124; 131; 168; 212-213; 256-257

NJ 19-2, Veatch Canyon

19-21; 29-30; 63-65; 96; 98; 108-109; 140-142; 185-187; 229-231

(b) Operations in the below listed blocks within 4 miles of the geographical boundaries of the submarine canyons as defined by NOAA shall be restricted as specified below.

(1) The operator (lessee) shall submit a plan for monitoring drilling discharges in this area to the Regional Manager (RM) for approval. The monitoring plan will be designed to assess the fates of such discharges and their possible introduction into the submarine canyons. To accomplish this, both on- and off-lease monitoring may be required. Should such monitoring indicate that discharges are entering canyons, Stipulation No. 2 will be invoked. Should such monitoring indicate that discharges are not entering a canyon, further monitoring within the same 4-mile zone may not be required.

(2) The RM, in consultation with the Environmental Protection Agency (EPA), may establish special requirements for disposal of drilling muds and cuttings and formation waters in this 4-mile zone. The RM may require stricter discharge criteria than those established by EPA. If such requirements include disposal entirely beyond the 4-mile zone, subparagraph (1) above will not apply.

NK 19-11

739-741; 777-778; 784-786; 788; 821-822; 828-830; 832; 857-859; 865; 870; 873-876; 900-903; 911; 913-914; 918-920; 944-945; 947; 954-955; 957-958; 962-964; 988-989; 991-993; 998-1002

NK 19-12

451-452; 495-497; 501-502; 532-533; 535-541; 546; 575-577; 579-585; 591; 619-621; 623-626; 628-629; 665; 667-673; 705-706; 708-710; 712-717; 749-750; 752-754; 756-761; 793-794; 796-798; 800-804; 837-845; 881-889; 925-932

NJ 19-1, Block Canyon

41; 79; 85-88; 123-124; 131-132; 167-168; 175-176; 211-214; 255-258; 299-302

NJ 19-2, Veatch Canyon

17-22; 27-31; 62-66; 72-75; 95-96; 98-99; 106-110; 139-144; 151-154; 184-188; 228-232; 272-275

Stipulation No. 9--Suspension of Production or other Operations

(This stipulation will be included in leases on blocks in water depths of 400-900 meters. These blocks are listed below.)

NK 19-11

739-740; 741-W½W½,SE¼SW¼; 857-W½; 858-E½E½; 901-W½; 945-W½; 947-E½,NW¼,N½SW¼,SE¼SW¼; 987-988

NJ 19-1, Block Canyon

73-79; 87-88; 122

NJ 19-2, Veatch Canyon

14; 45-47

NK 19-12

451-NE¼,N½NW¼,SE¼NW¼,SE¼; 495-E½E½; 497; 538-NW¼,W½SW¼; 540; 575; 579-E½,E½W½; 580-581; 582-W½NW¼,SW¼; 621-W½; 623-E½,E½W½

The Director shall suspend or temporarily prohibit production or any other operation or activity pursuant to this lease if such suspension or cessation of operations or activities is necessary to complete operations or activities described in a development and production plan approved by the Regional Manager pursuant to 30 CFR 250.34.

14. Information to Lessees.

(a) Information on Affirmative Action Requirements. Revisions of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form (MMS-2005, August 1982) would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this Notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5 (a) (1) and 60-1.7 (a) (1). Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations requirements will be deemed to be part of the existing affirmative action forms.

(b) Information on Corps of Engineers Permits and Navigational Safety. Surface occupancy or other activities which would, in the opinion of the U.S. Coast Guard, create a hazard to vessel traffic may not be permitted on such areas as vessel safety fairways, precautionary areas, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221, et seq.), as amended. Prospective bidders should be aware of a Coast Guard study of port access routes in the sale area. See 49 FR 5017 (February 9, 1984) and 49 FR 10680 (March 22, 1984).

U.S. Army Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.

(c) Information on the Memorandum of Understanding with Department of Transportation on Pipelines. Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) Information on Bird and Marine Mammal Protection. Bidders are advised that during the conduct of all activities related to leases issued as a result of this lease sale, the lessee and its agents, contractors, and subcontractors will be subject to the provisions of the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and International Treaties.

The lessee and its contractors should be aware that disturbance of wildlife could be determined to constitute harassment, and thereby be in violation of existing laws. Violations under these Acts and Treaties may be reported to the National Marine Fisheries Service or U.S. Fish and Wildlife Service, as appropriate. Harassment of seabird breeding colonies, migratory waterfowl, and the only known gray seal colony in the region on Muskeget Island would be less likely to occur if existing and suggested minimum altitude restrictions are adhered to.

The U.S. Fish and Wildlife Service (FWS), under the authority of the Code of Federal Regulations (50 CFR 27.34), has requested that aircraft operating over designated National Wildlife Refuge boundaries maintain a 1,000-foot minimum altitude at all times. The Federal Aviation Administration (FAA) is responsible for making this minimum altitude a requirement and for enforcing it. For the protection of the gray seal colony on Muskeget Island, the National Oceanic and Atmospheric Administration (NOAA) recommends that aircraft maintain a 1,000-foot minimum altitude when in transit over the island at all times. Areas with special altitude requirements are indicated on FAA aeronautical charts and in pilot advisories.

(e) Information on the Biological Task Force. In the enforcement of Stipulation No. 2 for all blocks leased in the North Atlantic planning area, the Regional Manager (RM) will receive recommendations through the Regional

Supervisor, Field Operations (RS/FO), from a Biological Task Force (BTF) working in accordance with its charter. The BTF will be composed of designated representatives of the MMS, the FWS, the NOAA, and the Environmental Protection Agency. The BTF may consult with representatives of the affected States before making recommendations to the RS/FO. The RS/FO will consult with the BTF on identifying areas or resources of biological importance, on the conduct of near-rig biological surveys by lessees, and on the appropriate course of action after surveys and other environmental studies have been conducted. In the enforcement of Stipulation No. 8(b)(1) for all listed blocks within 4 miles of the geographical boundaries of the submarine canyons as defined by NOAA, the RM will receive recommendations through the RS/FO from the BTF on the plans for monitoring the fates of drilling discharges.

(f) Information on Geohazards. Federal regulation (30 CFR 250.34) requires a lessee to conduct shallow hazards and other geological and geophysical surveys that are necessary for the evaluation of activities to be carried out under a proposed exploration or development/production plan or activities being carried out under an approved plan. Data collection by the lessee on a lease and, when necessary, off a lease will be analyzed and submitted by the lessee and then reviewed and, when necessary, reanalyzed by the RM to ensure that drilling, development, and production activities can be conducted in an acceptable manner with minimum acceptable risk or damage to human, marine, and coastal environments. Based on the review and analysis of the data received and other available data and information, the RM either approves or requires modification to an exploration or development/production plan or application for permit to drill, or recommends that the Director, MMS, temporarily prohibit or suspend the conduct of exploration or development/production activities, according to provisions of the OCS Lands Act, as amended, and appropriate regulations. Existing regulations authorize the RM to take whatever steps are necessary to assure safe operations offshore, whether shallow hazards are delineated before or after the lease sale.

In particular, lessees are alerted to the possibility that mass movement of sediments could occur and/or shallow gas may be present on the blocks listed below. The lessees are also informed that this list may not be all inclusive as other blocks in this sale may contain these same geohazards. The blocks listed below were identified in prelease surveys conducted for Sales 42 and 52.

Blocks Showing Evidence of Mass Movement

Blocks in NJ 19-1, Block Canyon

119 E½SE¼
120 SW¼
163 NE¼SE¼; S½SE¼
164 SW¼
210 NE¼NE¼; SW¼NE¼; SE¼NE¼; NE¼SE¼
211 NW¼; NW¼SW¼

Blocks in NK 19-12

536 S½; S½NE¼; NE¼NE¼; SE¼NW¼
537 Entire Block

Blocks Showing Evidence of Shallow Gas

Blocks in NK 19-12

587 SW¼NW¼
708 NE¼; SE¼NW¼; NE¼SW¼; NW¼SE¼

(g) Guidelines for Vessels and Aircraft Sighting Cetaceans. Lessees should be prepared to take all reasonable and necessary measures to avoid harassment or unnecessary disturbance of endangered and threatened species and nonendangered cetaceans. In this regard, lessees should be particularly alert to the effects of boat and airplane or helicopter traffic on these species.

The following guidelines are offered to assist lessees in conducting activities, safety permitting, in such a manner as to cause minimal adverse impacts to endangered and threatened species and nonendangered cetaceans.

(1) Whenever possible, vessels and aircraft should avoid concentrations of endangered or threatened species and other cetaceans. Operators should, at all times, conduct activities at a maximum distance from these animals. To avoid disturbing groups of endangered whales and other cetaceans, aircraft should be operated at a minimum altitude of not less than 1,000 feet when within 500 lateral yards of such groups. Helicopters should not hover or circle above or within 500 lateral yards of such areas.

(2) When a vessel is operated near a concentration of whales or other cetaceans, the operator must take every precaution to avoid harassment or disturbance of these animals. Therefore, vessels should not intentionally approach within 100 yards of whales. Vessels capable of steering around them should do so.

(3) Vessels may not be operated in such a way as to separate members of a group or otherwise box in, cut off, or in any way restrict the whales' normal movements.

(4) Vessel operators should avoid excessive speed or radical changes in speed or direction when approaching or leaving the immediate area of whales.

(5) Small boats should not be operated at such a speed as to make collisions with endangered or threatened species or other cetaceans likely. When weather conditions require, such as when visibility drops, vessels should adjust speed accordingly to avoid the likelihood of injury to these animals.

(6) Sightings of these animals should be reported to other vessel operators in the area to alert them to the need to take necessary precautions.

(h) Information on Unitization. Bidders are advised that, in accordance with section 16 of each lease issued as a result of this lease sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a royalty rate based on a sliding scale.

(i) Information on Exploration Intentions. For those blocks listed in paragraph 13 as being offered for lease with an initial period of 10 years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to the MMS either an exploration plan, where required, or a general statement of exploration intentions prior to the end of the ninth lease year.

(j) Department of Defense Notification Requirement. Bidders are advised that for the blocks listed below, not less than 30 days prior to placement of a drilling rig or structure onsite, the Regional Manager will notify the Commander, Submarine Group 2, Naval Submarine Base, Groton, Connecticut, of such operation and specific location.

NK 19-10, Block Island Shelf

739-747; 784-787

NK 19-11

776-777; 778-W½; 819-821; 822-SW¼NE¼,W½,W½SE¼,SE¼SE¼; 858-E½E½; 859; 863-865; 899-900; 903; 943-944;

(k) Department of Defense Density Restriction. Bidders are advised that for the blocks listed in subparagraph (j) above, as well as for the blocks listed below, the RM may request lessees to adjust the timing of exploratory activities to prevent a significant concentration of drilling activity where such concentration would interfere with ongoing submarine operations.

NK 19-11

857-W½; 901-W½; 902-E½NE¼; 911-W½,SW¼SE¼; 945-W½; 947-E½,NW¼,N½SW¼, SE¼SW¼; 950-954; 955-NW¼NE¼,S½NE¼,W½,SE¼; 986-988; 989-SW¼NE¼,W½,SE¼; 991-E½E½,NW¼NE¼; 992-999

NJ 19-1, Block Canyon

41-North and East of a diagonal line from the NW corner to the SE corner; 73-78; 86-E½NE¼; 87-88; 117-122; 123-South and West of a diagonal line from the NW corner to the SE corner; 131-North and East of a diagonal line from the NW corner to the SE corner; 132; 161-167; 168-W½; 176-North and East of a diagonal line from the NW corner to the SE corner; 205-211; 212-W½; 249-257; 293-301; 302-South and West of a diagonal line from the NW corner

to the SE corner; 337-346; 347-South and West of a diagonal line from the NW corner to the SE corner; 381-391; 392-South and West of a diagonal line from the NW corner to the SE corner; 425-436; 437-South and West of a diagonal line from the NW corner to the SE corner; 469-481; 482-South and West of a diagonal line from the NW corner to the SE corner; 513-525; 526-South and West of a diagonal line from the NW corner to the SE corner; 557-570; 571-South and West of a diagonal line from the NW corner to the SE corner; 601-615; 645-659; 689-703; 733-747; 777-791; 821-835; 865-879; 920-923; 967

NJ 19-2, Veatch Canyon

13-18; 19-SE¼NW¼,W½NW¼,SW¼; 20-28; 45-47; 57-62; 63-W½NE¼,W½,SE¼; 64-72; 89-95; 96-W½E½,W½; 98-E½,E½NW¼,NE¼SW¼; 99-116; 133-160; 177-North and East of a diagonal line from the NW corner to the SE corner; 178-204; 222-248; 267-292; 311-North and East of a diagonal line from the NW corner to the SE corner; 312-336; 531-551; 575-592; 619-636; 663-677; 707-719; 751-760; 795-804; 839-846; 883-885; 927-928; 971

(l) Information on Development-Phase Environmental Impact Statement. Bidders are advised that the Secretary of the Interior has directed that a development-phase environmental impact statement (EIS) be prepared for the North Atlantic planning area, pursuant to section 25(e) of the OCS Lands Act, as amended. The content of this EIS will be in accordance with the rules and regulations promulgated by the Department.

(m) Information on Maintenance of Oil Spill Equipment Offshore. Subject to Department of the Interior's consultation with the U.S. Coast Guard, state-of-the-art oil containment and cleanup equipment shall be maintained in the immediate vicinity of drilling operations. At a minimum, an open sea skimming unit which is equivalent to or better than the Clean Atlantic Associates Fast Response Unit Model II, and 1,000 feet of open sea oil containment boom, shall be maintained. In addition, a suitable deployment vessel and personnel trained in deployment and use of this equipment shall be immediately available. As part of the approval of development and production plans, suitable state-of-the-art pollution prevention equipment will be required in the immediate vicinity of development and production operations.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Atlantic OCS Orders, and any other applicable OCS Orders.

Approved:

Director, Minerals Management Service
William D. Bettenberg

acting Secretary of the Interior
Frank K. Richardson

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H.R. 6040 / Pub. L. 98-396

Second Supplemental Appropriations Act, 1984 (Aug. 22, 1984; 98 Stat. 1369)
Price: $3.75

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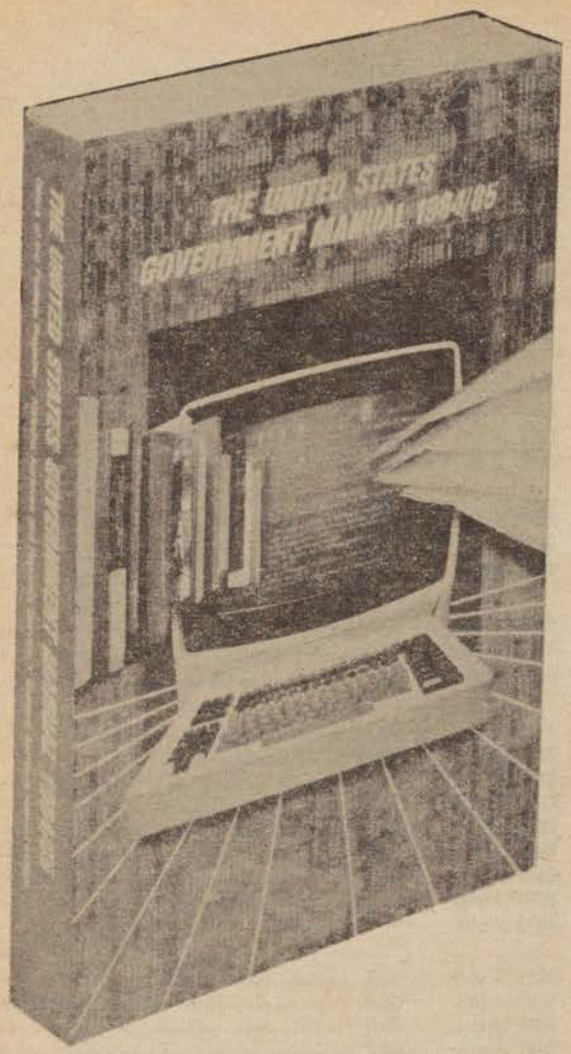
[1] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1983. The CFR volume issued as of Apr. 1, 1980, should be retained.

[2] Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).



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