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federal register

Thursday
August 30, 1984

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Food and Drug Administration

Antibiotics
Food and Drug Administration

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Maritime Administration

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

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Presidential Documents

Title 3—

The President

Proclamation 5231 of August 28, 1984

Ostomy Awareness Month, 1984

By the President of the United States of America

A Proclamation

Ostomy is a type of surgery which allows for drainage when a person has lost the normal function of digestive or urinary systems due to birth defects, disease, injury or other disorders. Nearly 1.5 million Americans have had ostomy surgery, and approximately 125,000 new ostomates join their ranks each year.

Ostomy was formerly referred to as "the secret surgery" because ostomates did not want others to know. Today, largely through the efforts of the United Ostomy Association, Americans needing this treatment are becoming more aware of the opportunities for education, mutual aid, and support that are of such great benefit to them and to their families. Increased public understanding of ostomy will eventually help dispel the fear of those about to undergo this surgery as well as the fear that confronts their families. Both the Federal government and the private sector are deeply committed to the proper care and advancement of knowledge about gastrointestinal diseases and public education about ostomy.

To increase public acceptance of ostomy surgery and to emphasize the need for continued educational efforts, the Congress, by House Joint Resolution 587, has designated the month of August 1984 as "Ostomy Awareness Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim August 1984 as Ostomy Awareness Month, and I call upon all Americans to observe this month with appropriate ceremonies.

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

Ronald Reagan

[FR Doc. 84-23236
Filed 8-28-84; 4:05 pm]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 402

[Amdt. No. 2; Docket No. 1496S]

Raisin Crop Insurance Regulations; Correction

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final Rule; Correction.

SUMMARY: The Raisin Crop Insurance Regulations (7 CFR Part 402), published as a final rule in the **Federal Register** on Monday, July 23, 1984, (49 FR 29559) contained several errors in the Claim for Indemnity section of the policy. This document is published to correct those errors.

ADDRESS: Any written comments or inquiries on this document should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

FR Doc. 84–19352, appearing at page 29559, July 23, 1984, is corrected as follows:

Section 402.7(d), subsections 9 (a) and (h) are corrected in the Raisin Crop Insurance Policy to read as follows:

§ 402.7 The application and policy.

* * * * *

(d) * * *

9. Claim for Indemnity

a. Any claim for indemnity must be submitted to us on our form not later than March 31 after the date for the end of the insurance period.

* * * * *

h. We may require you to recondition a representative sample(s) of not more than 10 tons of raisins damaged by rain to determine if they meet RAC standards for marketable raisins. On the basis of determinations made after such sampling, we may require you to recondition all raisins, or we may value such raisins at the current market price or the amount of insurance, whichever is higher. If the representative sample(s) do not meet RAC standards for marketable raisins, the cost of reconditioning such sample(s) will be deducted from the total value of the raisins for the unit.

* * * * *

The Authority Citation for 7 CFR Part 402 is:

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

Done in Washington, D.C., on: August 20, 1984.

Diana Moslak,

Acting Secretary, Federal Crop Insurance Corporation.

Dated: August 21, 1984.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84–23098 Filed 8–29–84; 8:45 am]
BILLING CODE 3410–08–M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 341]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 341 establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 31–September 6, 1984. This regulation is needed to provide for orderly marketing of fresh Valencia oranges for the period specified due to the marketing situation confronting the orange industry.

DATE: Regulation 341 (§ 908.641) becomes effective August 31, 1984.

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

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

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

The regulation is consistent with the marketing policy for 1983–84. The marketing policy was recommended by the committee following discussion at a public meeting on February 14, 1984. The committee met again publicly on August 21, 1984, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges. The committee reports the demand for Valencia oranges is slow.

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

handlers have been notified of the regulation and its effective date.

List of Subjects in 7 CFR Part 908

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

PART 908—[AMENDED]

Section 908.641 is added as follows:

§ 908.641 Valencia Orange Regulation 341.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period August 31, 1984, through September 6, 1984, are established as follows:

(a) District 1: Unlimited cartons;
(b) District 2: 350,000 cartons;
(c) District 3: Unlimited cartons.

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

Dated: August 27, 1984.

Thomas R. Clark,

Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-23095 Filed 8-29-84; 8:45 am]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Definition of Small Business

AGENCY: Small Business Administration.

ACTION: Interim Emergency Rule.

SUMMARY: SBA is immediately establishing on an interim emergency basis a new size standard of $3.5 million annual average receipts for the industry of individual and family social services (SIC–8321). This action is necessary because no published size standard presently exists for this industry and a size standard is required for purposes of affording financial and procurement assistance for otherwise eligible businesses.

DATES: Effective August 30, 1984. Comments on what should be the permanent size standard for this industry should be submitted by October 29, 1984.

ADDRESSES: *All comments to:* Andrew A. Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Robert N. Ray, (202) 653–6373.

SUPPLEMENTARY INFORMATION: Pursuant to the Small Business Act, 15 U.S.C. 631, *et seq.*, and 13 CFR 121.10(b), in urgent situations, SBA may put into effect interim emergency size standards when needed for program purposes if no size standard exists for the industry in question. SBA believes there is an urgent need for the immediate establishment of the size standard set forth below in order to facilitate the operation and availability of our financial and procurement assistance programs. Otherwise eligible applicants for assistance would be denied the opportunity to apply for such assistance without the existence of a relevant size standard. This size standard therefore is made effective upon publication. The standard is hereby being established on an interim basis at $3.5 million average annual receipts for the industry of individual and family social services (SIC–8321). SBA's rationale supporting the establishment of this standard is set forth below. Public comments, however, are invited as to what size standard should be permanently established. As stated above, this procedure is being undertaken in response to an emergency situation and is therefore exempted from timely compliance with Executive Order 12291 and the Regulatory Flexibilty Act (see section 8, E.O. 12291 and 5 U.S.C. 608). SBA will publish analyses pursuant to the Executive Order and the Regulatory Flexibility Act as soon as practicable. There are no recordkeeping or paperwork requirements inherent in this document. SBA will publish a final size standard as soon after the expiration of the comment period on this interim emergency standard as possible.

List of Subjects in 13 CFR Part 121

Small businesses, Small business size standards.

Initial research indicates that in 1982 there were 4,361 firms in this industry with $3.3 billion annual sales. Average sales and employment per firm were $756,000 and 43 persons. The median size firm (half large and half smaller) had about $225,000 in sales and 11 employees.

The industry appears to be competitive with low average firm size and a low level of concentration. The nine largest firms in the industry are responsible for 19 percent of total sales, and this relatively low percentage is typical of other service industries. More than 80 percent of the industry's firms have fewer than 50 employees indicating that it is relatively easy to enter this industry and compete effectively. SBA thus believes that a relatively low size standard is required in this industry and is establishing a $3.5 million average annual receipts size standard on an interim basis. The $3.5 million size standard represents the minimum size standard for services, and there is no reason to provide a higher size standard based on the industry structure as shown above.

PART 121—[AMENDED]

Accordingly, pursuant to 15 U.S.C. 634(b)(6), SBA hereby amends § 121.2(c)(2) of Part 121 of 13 CFR by publishing on an interim emegency basis a new size standard of $3.5 million for SIC–8321.

§ 121.2 [Amended]

(c) * * *
(2) * * *

* * * * *

Major Group 83—Social Services

8321	Individual and Family Social Services	$3.5

* * * * *

Dated: August 17, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84-23128 Filed 8-29-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430, 436, and 442

[Docket No. 84N-0162]

Antibiotic Drugs; Ceforanide for Injection; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the document that provided for the inclusion of accepted standards for a new antibiotic drug, ceforanide for injection. This document corrects three technical errors.

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Center for Drugs and Biologics (HFN–815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: In FR Doc. 84–16788, appearing on page 25845, in the issue for Monday, June 25, 1984, the following corrections are made:

§ 436.348 [Corrected]

(1) On page 25846 in the second column, in § 436.348 *High-pressure*

liquid chromatographic assay for ceforanide, in the first sentence of paragraph (b) the word "concentrated" is changed to read "11*N*".

§ 436.349 [Corrected]

(2) On page 25847 in the third column, in § 436.349 *High-pressure liquid chromatographic assay for L-lysine in ceforanide for injection,* in the first sentence in paragraph (g), the word "micrograms" is changed to read "percent".

§ 442.250 [Corrected]

(3) On page 25848 in the third column, in § 442.250 *Ceforanide for injection,* in paragraph (b)(1)(i)(*a*) and in the next to last sentence in paragraph (b)(1)(i)(*b*) the figure "1.25" is changed to read "1.0".

Dated: August 22, 1984.

Daniel L. Michels,

Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 84-22883 Filed 8-29-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 430, 436, and 442

[Docket No. 84N-0251]

Antibiotic Drugs; Sterile Cefonicid Sodium

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new antibiotic drug, sterile cefonicid sodium. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective August 30, 1984; comments, notice of participation, and request for hearing by October 1, 1984; data, information, and analyses to justify a hearing by October 29, 1984.

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

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Center for Drugs and Biologics (HFN-815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new antibiotic drug, sterile cefonicid sodium. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 442 (21 CFR Parts 430, 436, and 442) to provide for the inclusion of accepted standards for the product.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 430

Administrative practice and procedure, Antibiotics.

21 CFR Part 436

Antibiotics.

21 CFR Part 442

Antibiotics, Cepha.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 430, 436, and 442 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended;

a. In § 430.4 by adding new paragraph (a)(52) to read as follows:

§ 430.4 Definitions of antibiotic substances.

(a) * * *

(52) *Cefonicid.* 5-Thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid, 7-[(hydroxyphenylacetyl)amino]-8-oxo-3-[[[1-(sulfomethyl)-1*H*-teterazol-5yl]-thio]methyl]-, disodium salt, [6R-[6 ,7 (R*)]].

b. In § 430.5 by adding new paragraphs (a)(82) and (b)(84) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(82) *Cefonicid.* The term "cefonicid master standard" means a specific lot of cefonicid that is designated by the Commissioner as the standard of comparison in determining the potency of the cefonicid working standard.

(b) * * *

(84) *Cefonicid.* The term "cefonicid working standard" means a specific lot of a homogeneous preparation of cefonicid.

c. In § 430.6 by adding new paragraph (b)(84) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(84) *Cefonicid.* The term "microgram" applied to cefonicid means the cefonicid activity (potency) contained in 1.150 micrograms of the cefonicid master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended by adding new § 436.350 to read as follows:

§ 436.350 High-performance liquid chromatographic assay for cefonicid.

(a) *Apparatus.* A suitable high-performance liquid chromatograph equipped with:

(1) A suitable detection system specified in the monograph for the drug being tested;

(2) A suitable recording device of at least 25-centimeter deflection;

(3) A suitable chromatographic data managing system; and

(4) An analytical column, 3 to 30 centimeters long, packed with a material as defined in the monograph for the drug being tested; and if specified in that monograph, the inlet of this column may be connected to a guard column 3 to 5 centimeters in length, packed with the same material of 40 to 60 micrometers particle size.

(b) *Procedure.* Perform the assay and calculate the drug content using the temperature, instrumental conditions, and calculations specified in the monograph for the drug being tested with a flow rate not to exceed 2.0 milliliters per minute. Use a detector sensitivity setting that gives a peak height for the working standard that is at least 50 percent of scale with typical chart speed of not less than 2.5 millimeters per minute. Use the apparatus described in paragraph (a) of this section; and the reagents and working standard and sample solutions described in the monograph for the drug being tested. Equilibrate and condition the column by passage of 10 to 15 void volumes of mobile phase followed by five replicate injections of the same

volume (between 10 and 20 microliters) of the working standard solution. Allow an operating time sufficiently long to obtain satisfactory separation and elution of the expected components after each injection. Record the peak responses and calculate the prescribed system suitability requirements as follows:

(c) *System suitability test.* Using the apparatus and procedure described in this section, test the chromatographic system for assay as follows:

(1) *Tailing factor.* Calculate the tailing factor (*T*), from distances measured along the horizontal line at 5 percent of the peak height above the baseline, as follows:

$$T = \frac{W_{0.05}}{2f}$$

where:

$W_{0.05}$ = Width of peak at 5 percent height; and

f = Horizontal distance from point of ascent to a point coincident with maximum peak height.

(2) *Efficiency of the column.* Calculate the number of theoretical plates (n) of the column as follows:

$$n = 5.545 \left[\frac{t_R}{w_h} \right] 2$$

where:

n = Efficiency, as number of theoretical plates for column;

t_R = Retention time of solute; and

w_h = Peak width at half-height.

(3) *Resolution factor.* Calculate the resolution factor (R), between desacetyl cefonicid and cefonicid, as follows:

$$R = \frac{2(t_2 - t_1)}{\frac{w}{1} + \frac{w}{2}}$$

where:

t_1 = Retention time of desacetyl cefonicid;

t_2 = Retention time of cefonicid; and

w_1 and w_2 = Widths of the bases of the corresponding peaks obtained by extrapolating the relatively straight sides of the peaks to the baseline.

(4) *Coefficient of variation (relative standard deviation).* Calculate the coefficient of variation (S_R in percent) as follows:

$$\frac{S}{R} = \frac{100}{\bar{X}} \left[\frac{\sum_{i=1}^{N} (X_i - \bar{X})^2}{N-1} \right]^{1/2}$$

where:

$\bar{X}$ is the mean of N individual measurements of X_i.

If the complete operating system meets the system suitability requirements of the monograph for the drug being tested, proceed as described in paragraph (b) of this section, using the sample solution in lieu of the working standard solution.

PART 442—CEPHA ANTIBIOTIC DRUGS

3. Part 442 is amended:

a. By adding new § 442.20a to read as follows:

§ 442.20a Sterile cefonicid sodium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile cefonicid sodium is a white to off-white lyophilized powder. It is so purified and dried that:

(i) If the cefonicid sodium is not packaged for dispensing, its cefonicid content is not less that 832 micrograms and not more than 970 micrograms of cefonicid per milligram on an anhydrous basis. If the cefonicid sodium is packaged for dispensing, its cefonicid content is not less than 832 micrograms and not more than 970 micrograms of cefonicid per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 120 percent of the number of milligrams of cefonicid that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) Its moisture content is not more than 5.0 percent.

(v) Its pH in an aqueous solution containing 50 milligrams per milliliter is not less than 3.5 and not more than 6.5.

(vi) The specific rotation in a methanol solution containing 10 milligrams of cefonicid sodium per milliliter at 25° C is −40°±5°.

(vii) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for cefonicid content, sterility, pyrogens, moisture, pH, specific rotation, and identity.

(ii) Samples, if required by the Director, Center for Drugs and Biologics:

(*a*) If the batch is packaged for repacking or for use as an ingredient in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing at least 500 milligrams.

(*2*) For sterility testing: 20 packages, each containing equal portions of approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Cefonicid content.* Proceed as directed in § 436.350 of this chapter, using ambient temperature, an ultraviolet detection system operating at a wavelength of 254 nanometers, and a column packed with octadecyl silane bonded silica ranging from 3 to 30 micrometers in particle size. Reagents, working standard and sample solutions, system suitability requirements, and calculations are as follows:

(i) *Reagents*—(*a*) *0.2M Ammonium phosphate solution.* Transfer 23.0 grams of ammonium dihydrogen phosphate to a 1-liter volumetric flask. Dissolve and dilute to volume with distilled water. Mix well.

(*b*) *Mobile phase.* Mix 0.2*M* ammonium phosphate solution : methyl alcohol : distilled water (1 : 2.5 : 16.5). Filter through a suitable filter capable of removing particulate matter to 0.5 micron in diameter. Degas the mobile phase just prior to its introduction into the chromatograph.

(ii) *Working standard and sample solutions*—(*a*) *Preparation of working standard solution.* Prepare the working standard solution fresh before injection by dissolving an accurately weighed portion of the cefonicid working standard with sufficient mobile phase as described in paragraph (b)(1)(i)(*b*) of this section to obtain a solution containing approximately 20 micrograms of cefonicid per milliliter.

(*b*) *Preparation of sample solutions*—(*1*) *Product not packaged for dispensing (micrograms of cefonicid per milligram).* Dissolve an accurately weighed portion of the sample with sufficient mobile phase as described in paragraph (b)(1)(i)(*b*) of this section to obtain a concentration of approximately 20 micrograms of cefonicid per milliliter.

(*2*) *Product packaged for dispensing.* Determine both micrograms of cefonicid per milligram of the sample milligrams of cefonicid per container. Use separate

containers for preparation of each sample solution as described in paragraphs (b)(1)(ii)(*b*)(*2*) (*i*) and (*ii*) of this section.

(*i*) *Micrograms of cefonicid per milligram.* Dissolve an accurately weighed portion of the sample with sufficient mobile phase as described in paragraph (b)(1)(i)(*b*) of this section to obtain a concentration of approximately 20 micrograms of cefonicid per milliliter.

(*ii*) *Milligrams of cefonicid per container.* Reconstitute the sample as directed in the labeling. Then, using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Further dilute an aliquot of the solution thus obtained with sufficient mobile phase to obtain a concentration of approximately 20 micrograms of cefonicid per milliliter.

(iii) *System suitability requirements*—(*a*) *Tailing factor.* The tailing factor (*T*) is satisfactory if it is not more than 1.3 at 5 percent of peak height.

(*b*) *Efficiency of the column.* The efficiency of the column (*n*) is satisfactory if it is greater than 1,500 theoretical plates.

(*c*) *Resolution factor.* Prepare a resolution solution containing desacetyl cefonicid by heating a 200-microgram-per-milliliter solution of cefonicid working standard in mobile phase described in paragraph (b)(1)(i)(*b*) of this section, on a steam bath for 30 minutes. Inject a known volume between 10 and 20 microliters of the desacetyl cefonicid containing solution in the same manner as described for the standard solution. The resolution factor (*R*) between cefonicid and desacetyl cefonicid is satisfactory if it is not less than 1.1.

(*d*) *Coefficient of variation.* The coefficient of variation (S_R in percent) of five replicate injections is satisfactory if it is not more than 2.0 percent.

If the system suitability parameters have been met, then proceed as described in § 436.350(b) of this chapter.

(iv) *Calculations*—(*a*) Calculate the micrograms of cefonicid per milligram of sample as follows:

$$\text{Micrograms of cefonicid per milligram} = \frac{A_u \times P_s \times 100}{A_s \times C_u \times (100-m)}$$

where:

A_u = Area of the cefonicid peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the cefonicid peak in the chromatogram of the cefonicid working standard;

P_s = Cefonicid activity in the cefonicid working standard solution in micrograms per milliliter;

C_u = Milligrams of sample per milliliter of sample solution; and

m = Percent moisture content of the sample.

(*b*) Calculate the cefonicid content of the container as follows:

$$\text{Milligrams of cefonicid per container} = \frac{A_u \times P_s \times d}{A_s \times 1{,}000}$$

where:

A_u = Area of the cefonicid peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the cefonicid peak in the chromatogram of the cefonicid working standard;

P_s = Cefonicid activity in the cefonicid working standard solution in micrograms per milliliter; and

d = Dilution factor of the sample.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of cefonicid per milliliter.

(4) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 50 milligrams per milliliter.

(6) *Specific rotation.* Dissolve and dilute an accurately weighed sample with sufficient methanol to obtain a concentration of approximately 10 milligrams of cefonicid sodium per milliliter. Proceed as directed in § 436.210 of this chapter, using a 1.0-decimeter polarimeter tube. Calculate the specific rotation on an anhydrous basis.

(7) *Identity.* The high-performance liquid chromatogram of the sample, determined as directed in paragraph (b)(1) of this section, compares qualitatively to that of the cefonicid working standard.

b. By adding new § 442.220 to read as follows:

§ 442.220 Sterile cefonicid sodium.

The requirements for certification and the tests and methods of assay for sterile cefonicid sodium packaged for dispensing are described in § 442.20a.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this regulation is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The regulation, therefore, is effective August 30, 1984. However, interested persons may, on or before October 1, 1984, submit written comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before October 1, 1984, a written notice of participation and request for hearing, and (2) on or before October 29, 1984, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order, and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under

21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective August 30, 1984.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: August 23, 1984.

Daniel L. Michels,

Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 84-22881 Filed 8-29-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 430, 436, 442, 444, and 448

[Docket No. 84N-0258]

Antibiotic Drugs; Updating and Technical Changes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations by making updatings, minor noncontroversial technical changes, and revocations in certain regulations providing for accepted standards of antibiotic and antibiotic-containing drugs for human use. These changes will result in more accurate and usable regulation.

DATES: Effective August 30, 1984; comments, notice of participation, and request for hearing by October 1, 1984; data, information, and analyses to justify a hearing by October 29, 1984.

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

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Center for Drugs and Biologics (HFN–815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: FDA is amending the antibiotic drug regulations by making updatings, minor noncontroversial technical changes, and revocations in certain antibiotic drug regulations that provide for accepted standards of antibiotic and antibiotic-containing drugs intended for human use. In one instance, the need for a change was called to FDA's attention by an industry representative. To aid the reader in understanding the types of amendments in this document, the amendments are grouped into three general classes for discussion in this preamble: updating, technical changes, and revocation.

Updating

In § 444.542b (21 CFR 444.542b), paragraph (a)(1)(vii) is revised and paragraph (a)(1)(viii), (ix), and (x) is added to provide public standards for three drug products containing neomycin in combination with a corticosteriod. In a Drug Efficacy Study Implementation notice published in the **Federal Register** of March 28, 1984 (49 FR 11888), FDA reclassified these drug products as effective for the indication stated in that notice.

Technical Changes

1. In §§ 444.542a(a)(1)(i)(*a*) and 444.542c(a)(1)(vi), the name "flurandrenolone" is changed to read "flurandrenolide" to be in agreement with the United States Adopted Names (USAN) designation.

2. In §§ 444.342d(b)(1) (i) and (ii), 448.313a(a)(1), 448.513a(a)(1), 448.513d(a)(1), and 448.513e(a)(1), the upper potency limits are raised from 120 percent to 130 percent. The sole manufacturer has submitted adequate data to support the higher limit.

Revocation

Sections 442.19 *Cephacetrile sodium*, 442.219 *Cephacetrile sodium for injection*, and 444.542d *Neomycin sulfate aerosol* are removed. These drugs are no longer manufactured. Also, conforming amendments are made to Parts 430 and 436 where applicable.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 430

Administrative practice and procedure; Antibiotics

21 CFR Part 436

Antibiotics.

21 CFR Part 442

Antibiotics, cepha.

21 CFR Part 444

Antibiotics, oligosaccharide.

21 CFR Part 448

Antibiotics, peptide.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701(f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371(f) and (g)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 430, 436, 442, 444, and 448 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:

§§ 430.5 and 430.6 [Amended]

a. In § 430.5 *Definitions of master and working standards*, by removing and reserving paragraphs (a)(54) and (b)(54).

b. In § 430.6 *Definitions of the terms "unit" and "microgram" as applied to antibiotic substances*, by removing and reserving paragraph (b)(57).

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended:

§§ 436.33, 436.105, and 436.205 [Amended]

a. In § 436.33 *Safety test*, by removing "Cephacetrile sodium" from the table in paragraph (b).

b. In § 436.105 *Microbiological agar diffusion assay*, by removing "Cephacetrile" from the tables in paragraphs (a) and (b).

c. In § 436.205 *Hydroxylamine colorimetric assay*, by removing "Cephacetrile" from the table in paragraph (b) and by removing "Cephacetrile sodium" from the table in paragraph (c).

§ 436.313 [Removed]

d. By removing § 436.313 *Thin layer chromatographic identity test for cephacetrile sodium.*

PART 442—CEPHA ANTIBIOTIC DRUGS

3. Part 442 is amended:

§§ 442.19 and 442.219 [Removed]

a. By removing § 442.19 *Cephacetrile sodium.*

b. By removing § 442.219 *Cephacetrile sodium for injection.*

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

4. Part 444 is amended:

a. In § 442.342d, by revising the last sentence in paragraph (b)(1) (i) and (ii) to read as follows:

§ 444.342d Neomycin sulfate-polymyxin B Sulfate————————ophthalmic suspension (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).

* * * * *

(b) * * *

(1) * * *

(i) * * * Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) * * * Its content of polymyxin is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of polymyxin that it is represented to contain.

* * * * *

b. In § 444.542a, by revising paragraph (a)(1)(i)(*a*) to read as follows:

§ 444.542a Neomycin sulfate ointment; neomycin sulfate————————ointment (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section.

(a) * * *

(1) * * *

(i) * * *

(*a*) 0.5 milligram of flurandrenolide; or

* * * * *

c. In § 444.542b, paragraph (a)(1)(vii) is revised and paragraph (a)(1) (viii), (ix), and (x) is added to read as follows:

§ 444.542b Neomycin sulfate———————— cream (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) * * *

(1) * * *

(vii) 1 milligram of triamcinolone acetonide; or

(viii) 2.5 milligrams, 5.0 milligrams, or 10.0 milligrams of hydrocortisone; or

(ix) 10.0 milligrams or 25.0 milligrams of hydrocortisone acetate; or

(x) 0.5 milligram of flurandrenolide.

* * * * *

d. In § 444.542c, by revising the sentence in paragraph (a)(1)(vi) to read as follows:

§ 444.542c Neomycin sulfate———————— lotion (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) * * *

(1) * * *

(vi) 0.5 milligram of flurandrenolide.

* * * * *

§ 444.542d [Removed]

e. By removing § 444.542d *Neomycin sulfate aerosol.*

PART 448—PEPTIDE ANTIBIOTIC DRUGS

5. Part 448 is amended:

a. In § 448.313a, by revising the second and third sentences in paragraph (a)(1) to read as follows:

§ 448.313a Bacitracin zinc-polymyxin B sulfate ophthalmic ointment.

(a) * * *

(1) * * * Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of bacitracin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of polymyxin B that it is represented to contain.* * *

* * * * *

b. In § 448.513a, by revising the third and fourth sentences in paragraph (a)(1) to read as follows:

§ 448.513a Bacitracin zinc-polymyxin B sulfate ointment.

(a) * * *

(1) * * * Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of bacitracin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of polymyxin B that it is represented to contain. * * *

* * * * *

c. In § 448.513d, by revising the third, fourth, and fifth sentences in paragraph (a)(1) to read as follows:

§ 448.513d Bacitracin zinc-neomycin sulfate-polymyxin B sulfate topical powder.

(a) * * *

(1) * * * Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of bacitracin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of polymyxin B that it is represented to contain. * * *

* * * * *

d. In § 448.513e, by revising the third, fourth, and fifth sentences in paragraph (a)(1) to read as follows:

§ 448.513e Bacitracin zinc-neomycin sulfate-polymyxin B sulfate topical aerosol.

(a) * * *

(1) * * * Its bacitracin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of bacitracin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of neomycin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of polymyxin B that it is represented to contain. * * *

* * * * *

These amendments institute changes that are corrective, editorial, or of a minor substantive nature. Because the amendments are not controversial and because when effective they provide notice of accepted standards, FDA finds that notice, public procedure, and delayed effective date are unnecessary and not in the public interest. The amendments, therefore, shall become effective August 30, 1984. However, interested persons may, on or before October 1, 1984, submit written comments on this regulation to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before October 1, 1984 a written notice of participation and request for hearing, and (2) on or before October 29, 1984, the data, information, and analyses on which the person relies to justify a hearing, as specifed in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All

submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective August 30, 1984.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: August 23, 1984.

Daniel L. Michels,

Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 84–22882 Filed 8–29–84; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Famphur

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify a previously approved new animal drug application (NADA) sponsored by Ralston-Purina Co. The NADA provides for the use of famphur as a pour-on formulation for use on cattle to control grubs and to reduce lice infestations.

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Ben Puyot, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1414.

SUPPLEMENTARY INFORMATION: Ralston-Purina Co., Checkerboard Square, St. Louis, MO 63164, is the sponsor of NADA 43–215 which provides for use of famphur 13.2 percent. The drug is used as a pour-on formulation for the control of cattle grubs and to reduce cattle lice infestations. The drug was approved by letter dated June 4, 1970.

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

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

List of Subjects in Part 524

Animal drugs, topical.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director of the Center for Veterinary Medicine (21 CFR 5.83), Part 524 is amended in § 524.900 by revising paragraph (c), to read as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 524.900 Famphur.

* * * * *

(c) *Sponsor.* See Nos. 010042 and 017800 in § 510.600(c) of this chapter.

* * * * *

Effective date. August 30, 1984.

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

Dated: August 23, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84–22997 Filed 8–29–84; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Ticarcillin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Beecham Laboratories, providing for intrauterine use of a ticarcillin infusion for treating mares for endometritis caused by beta-hemolytic streptococci.

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Center for Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Beecham Laboratories, Division of Beecham, Inc., Bristol, TN 37620, filed NADA 55–095 providing for use of Ticillin® (sterile ticarcillin disodium) intrauterine infusion for horses for treating infections of beta-hemolytic streptococci. The NADA is approved and the regulations are amended to reflect the approval. The basis of this approval is discussed in the freedom of information summary.

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

The Center for Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an enviromental impact statement therefore will not be prepared. The Center's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii) (*a*) and (*e*)) may be seen in the Dockets Management Branch (address above).

List of Subjects in 21 CFR Part 540

Animal drugs; Antibiotics, penicillin.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 540 is amended by adding new Subpart I consisting of § 540.680 to read as follows:

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Subpart I—Certain Other Dosage Forms

§ 540.680 Ticarcillin.

(a) *Requirements for certification.* See § 440.90a of this chapter.

(b) *Tests and methods of assay.* See § 440.90a of this chapter.

(c) *Conditions of marketing*—(1) *Specifications.* Each vial contains the equivalent of 6 grams of ticarcillin (as ticarcillin disodium) to be reconstituted with 25 milliliters of sterile water for injection or sterile physiological saline, and diluted to desired volume of use.

(2) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(3) *Conditions of use.* (i) *Indications for use.* For intrauterine use in horses for treatment of endometritis caused by beta-hemolytic streptococci.

(ii) *Amount.* 6 grams per day, intrauterine, for 3 consecutive days during estrus.

(iii) *Limitations.* For intrauterine use in horses only. Infuse aseptically. Not for use in horses raised for food production. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. August 30, 1984.

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

Dated: August 23, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84–22996 Filed 8–29–84; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–181; Re: Notice No. 497]

Mississippi Delta Viticultural Area

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

ACTION: Final rule (Treasury Decision).

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

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW, Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

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

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

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

Notice of Proposed Rulemaking

ATF received a petition from Mr. Samuel H. Rushing of The Winery Rushing, for the establishment of a viticultural area in northwestern Mississippi (with minute segments in Tennessee and Louisiana), to be known as "Mississippi Delta." In response, ATF published a notice of proposed ruelmaking, Notice No. 497, in the **Federal Register** on December 23, 1983 (48 FR 56799). That notice solicited public comment with respect to the proposed viticultural area. Five public comments were received, all of them endorsing the area as proposed. Therefore, this Treasury decision establishes the Mississippi Delta viticultural area with boundaries as proposed in Notice No. 497.

General Description of the Viticultural Area

The Mississippi Delta viticultural area is leaf-shaped and extends for a length of about 180 miles with a maximum width of about 65 miles. It comprises approximately 6,000 square miles.

The area is a flat, alluvial plain with extremely rich soil. Topsoil in the area is often 35 feet deep. The area is one of the more highly productive agricultural regions in the United States. Growing conditions are favorable to a wide variety of crops. Major crops are cotton, soybeans, grain sorghum, and rice. To a much lesser extent, the area is also a grape-producing region.

In the early part of this century, before Prohibition, grape growing was profitable in the area. Recently, the State of Mississippi has invested millions of dollars in Mississippi State University's Enology Laboratory, located at Stoneville in the heart of the Delta region. This expenditure is based upon belief that the region will someday become "the grape producing area of the Southeast," according to a letter of support form the head of that Laboratory. Estimates of current vineyard acreage range from 50 to 250 acres. There are vineyards dispersed through the area, and one winery is operating.

Name of the Area

The term "delta" is commonly understood to mean a triangular area by the mouth of a river, formed by alluvial deposits. The Mississippi Delta is an exception to this, in that it is an area of alluvial deposits located several hundred miles above the mouth of the Mississippi River. However, according to the evidence the area is a true delta, for its deposits were first laid down in an era of pre-history when the mouth of the Mississippi was much farther north. In more recent times, prior to the construction of the Mississippi River levee system, the area received periodic additional deposits whenever the Mississippi and/or Yazoo River flooded.

Geologists sometimes call the area the "Yazoo Basin," since the area is primarily drained by the Yazoo River, but locally and in literature it is most commonly called the "Mississippi Delta," or just "The Delta."

Author David Cohn's famous statement that the Mississippi Delta "begins in the lobby of the Peabody Hotel in Memphis and ends on Catfish Row in Vicksburg" has been quoted numerous times in histories of Mississippi. In particular, this statement appears in *Mississippi: A History,* by John K. Bettersworth, and *Mississippi,* by the Federal Writers' Project of the Works Progress Administration. (Memphis and Vicksburg are the approximate northern and southern boundaries of the Mississippi Delta viticultural area.)

Because of the danger of flooding, the Mississippi Delta was sparsely settled until about 100 years ago, when the levee system began to make agriculture feasible there. Nevertheless, within this century, the area has developed a considerable distinctive history and reputation.

Geographical Features; Boundaries

The western boundary of the area is the levee system of the Mississippi River. West of that, the land is not suitable for agriculture because it is subject to unpredictable, periodic floods. The land that is not protected by the levee system is used primarily for sporting purposes, such as hunting and fishing.

The eastern boundary of the area follows the very striking geographical feature known as the loess bluffs. These bluffs, which rise 100 feet high along the entire eastern side of the Mississippi Delta abruptly demarcate the change from alluvial soil to the windblown soil of the loess hills region. The division between the almost totally flat delta and the very hilly region east of the loess bluffs is dramatic and obvious to an observer.

Because of its shape, the area comes to a point at it north and south ends. At Memphis and at Vicksburg, the loess bluffs come right down to the Mississippi River, thus isolating the Mississippi Delta totally between the bluffs to the east and the river to the west.

Although sharply distinguishable from the areas immediately to the east and west, the Delta is almost totally homogeneous within its boundaries. The land is flat, and the rivers and streams meander very slowly through shifting channels. When one of them changes course, it leaves behind a partially filled "ox-bow lake." Otherwise, there are no significant geographical features within the area to alter its uniformity.

The boundaries of the proposed viticultural area may be found on three U.S.G.S. maps in the scale of 1:250,000 series: Helena (AR, MS, TN), Greenwood (MS, AR, LA), and Jackson (MS, LA). The boundaries are described in 27 CFR 9.96, as added by this document.

Miscellaneous

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

Regulatory Flexibility Act

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

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

Executive Order 12291

In compliance with Executive Order 12291 of February 17, 1981 (46 FR 13193), the Bureau has determined that this final regulation is not a major rule since it will not result in:

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

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

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

Paperwork Reduction Act

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

List of Subjects in 27 CFR Part 9

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

Drafting Information

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

Authority and Issuance

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

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is revised to add the title of § 9.96, to read as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.96 Mississippi Delta.

* * * * *

Par. 2. Subpart C of 27 CFR Part 9 is amended by adding § 9.96, which reads as follows:

§ 9.96 Mississippi Delta.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Mississippi Delta viticultural area are three U.S.G.S. maps. They are titled:

(1) Helena, scale of 1:250,000, 1955 (revised 1977).

(2) Greenwood, scale of 1:250,000, 1953 (revised 1979).

(3) Jackson, scale of 1:250,000, 1955 (revised 1973).

(c) *Boundary*—(1) *General.* The Mississippi Delta viticultural area is located in Mississippi, Louisiana, and Tennessee. The starting point of the following boundary description is the intersection of the Illinois Central Gulf (I.C.G.) Railroad and the Mississippi River levee system, on the southeast side of Lake Horne, between Lake View, Mississippi, and Walls, Mississippi, on the Helena map.

(2) *Boundary Description*—(i) From the starting point generally southward along the Mississippi River levee system until it again intersects the I.C.G. Railroad, near Twin Lake, Mississippi (about 10 miles north of Vicksburg, on the Jackson map). In any place where there is more than one continuous levee, the one closest to the Mississippi River is the boundary.

(ii) From the intersection described in paragraph (c)(2)(i), the boundary continues southward along the I.C.G. tracks, until they merge with another branch of the I.C.G. Railroad, near Redwood, Mississippi.

(iii) Then generally northeastward along that other branch of the I.C.G. Railroad, to the Leflore County-Holmes County line (on the Greenwood map).

(iv) Then southeastward along that county line to the Leflore County-Carroll County line.

(v) Then generally northward along that county line to Mississippi Route 7.

(vi) Then generally northeastward along Route 7 to the 90° 00′ longitude line.

(vii) Then northward along that longitude line to Mississippi Route 8.

(viii) Then eastward along Route 8 to Mississippi Route 35.

(ix) Then northward along Route 35 to Mississippi Route 322 (on the Helena map).

(x) Then generally eastward along Route 322 to the Panola Quitman Floodway.

(xi) Then northward along that floodway to the range line R.9W./R.8W.

(xii) Then northward along that range line to the 200 ft. contour line (north of Ballentine, Mississippi).

(xiii) Then generally northeastward along that contour line to Mississippi Route 3.

(xiv) Then northward along Route 3 to the Tunica County-Tate County line.

(xv) Then northward along that county line to the Tunica County-De Soto County line.

(xvi) Then northward along that county line to the I.C.G. Railroad.

(xvii) Then northward along the I.C.G. tracks to the starting point.

Signed: August 7, 1984.

W. T. Drake,

Action Director.

Approved: August 21, 1984.

Edward T. Stevenson,

Deputy Assistant Secretary (Operations).

[FR Doc. 84-23023 Filed 8-29-84; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[Eighth Coast Guard District Regulation 84-05]

Safety Zone: Vicinity of New Orleans Harbor, Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a Safety Zone in New Orleans Harbor, Mississippi River between the Lower End of the Desire St. Wharf (LMR mile 93.5 AHP) and the Gretna Traffic Light (RDB mile 96.6 AHP). The Safety Zone is needed to protect barges engaged in construction activities for the New Greater New Orleans Mississippi River Bridge from safety hazards associated with a constricted navigation channel and the consequent close proximity of passing vessels to the construction site. The Coast Guard Captain of the Port has delegated the authority to permit entry to the Safety Zone to the traffic control light towerman or the New Orleans Vessel Traffic Service (VTS). All vessels are being required to contact the vessel traffic light towerman or VTS New Orleans, announce their intentions for entering or mooring within the Safety Zone, and obtain permission to proceed.

EFFECTIVE DATE: The provisions of this regulation became effective on 22 February 1984 when an Emergency Safety Zone was established by Captain of the Port of New Orleans. The regulations will terminate on 31 October 1984, or, if no longer needed, earlier at the discretion of the Captain of the Port, New Orleans. Comments on this regulation will be accepted and considered at any time prior to its termination.

ADDRESS: Comments should be mailed to Captain of the Port, U.S. Coast Guard, 4640 Urquhart St., New Orleans, LA 70117. The comments will be available for inspection and copying at that address in the Waterways Safety Department. Normal office hours are between 7 a.m. and 3:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Richard E. Ford c/o Captain of the Port, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA 70117, Phone: (504) 589-7117.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication (5 U.S.C. 553b(3)(B)). Following normal rulemaking procedures delaying the effective date of the regulation would have been contrary to the public interest since immediate action was needed to respond to the potential safety hazards involving vessel traffic on the Mississippi River near the bridge construction site. The Crescent River Pilots Association, New Orleans-Baton Rouge Steamship Association, the Board of Commissioners of the Port of New Orleans, and the New Orleans Steamship Association were consulted prior to the effective date of this regulation. However, since this regulation will remain in effect for approximately six months, public comment is desirable to insure that this regulation is both reasonable and workable. Accordingly, written or verbal comments may be made to the Captain of the Port, New Orleans at the address noted above.

Comments should identify the particular portion of the regulation to which they apply, and should include supporting reasons. Commentors should supply their names and addresses and identify the docket number for the regulation. Receipt of written comments will be acknowledged if a stamped self-addressed post card or envelope is enclosed. Based on comments received, this regulation may be changed.

Drafting Information

The drafters of this regulation are LCDR Richard E. Ford, Port Safety Officer, and LCDR Larry Hereth, Project Officer for the Captain of the Port, and LCDR William B. Thomas, Project Attorney, Eighth Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation resulted from the construction of the New Greater New Orleans Mississippi River Bridge. The John F. Beasley Construction Company (contractor for the bridge) requested one-way vessel traffic in the vicinity of the construction site to protect their barges. Several barges are being used periodically to erect steel at various locations, progressing from both banks toward the center of the river. This construction can be disrupted, and safety hazards created, by large wakes from passing vessels. The barges at the construction site tend to impede navigation in a portion of the Mississippi River known for its high volume of vessels. Current regulations in 33 CFR 161.402 (which are activated by high river stages) do not provide adequate control over vessels passing the bridge construction site.

The Safety Zone (33 CFR 165.T810 49 FR 13695 of 6 April 1984) established to counteract problems with river traffic congestion in connection with the 1984 Louisiana World Exposition does not conflict with this Safety Zone. Nor is there conflict between this Safety Zone and the Security Zone (33 CFR 165.T811 49 FR 13696 of 6 April 1984) established in the portion of the Mississippi River immediately adjacent to the Exposition site. However, neither of these regulations provide adequate control over vessels passing the bridge construction site.

To safeguard the bridge construction site, the Captain of the Port initially established an Emergency Safety Zone on the river on 22 February 1984. Notice of the zone was accomplished by Broadcast Notice to Mariners and publication in the Local Notice to Mariners. This Safety Zone is also designed to make maximum use of the current vessel traffic control lights (described in 33 CFR 161.402) when they are in operation to control vessel traffic around Algiers Point during high river stages. In the event the vessel traffic control light system is not operating, VTS New Orleans will be used to control vessel traffic in this Safety Zone. In either case, only one-way traffic will be permitted in the vicinity of the bridge construction site during construction activities that constrict the channel. VTS New Orleans can be contacted on CH 11 VHF-FM (156.550 MHz) or CH 16 VHF-FM (156.8 MHz), or by calling 504-589-

2772. The traffic light towerman can be contacted on CH 11 VHF-FM (156.550 MHz) or CH 67 VHF-FM (156.375 MHz). The overall economic impact is expected to be minimal. VTS New Orleans reports that average delays have been less than fifteen minutes since the emergency safety zone went into effect. Most vessels are able to transit the area with either no, or only a slight delay.

This regulation is considered to be "nonsignificant" under the policies outlined in DOT Order 2100.5 of 22 May 1980, and "non-major" under Executive Order 12291. The expected impact of this regulation is minimal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Final Regulation

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new § 165.T823 to read as follows:

§ 165.T823 Safety Zone: New Orleans Harbor, Mississippi River.

(a) *Location.* The following is a Safety Zone: New Orleans Harbor, Mississippi River between the lower end of Desire St. Wharf (LDB mile 93.5 AHP) and the Gretna Traffic Light (RDB mile 96.6 AHP).

(b) *Regulations.* (1) In accordance with the general regulations in 165.11 of this part, entry into this zone is prohibited unless as authorized by the Captain of the Port, New Orleans. The Gretna Traffic Light towerman, the Governor Nichols Traffic Light towerman and VTS New Orleans are delegated the authority to permit entry into the Safety Zone.

(2) All vessels intending to enter or move within the Safety Zone shall, prior to entering or moving within the Safety Zone, contact:

(i) The Gretna Traffic Light towerman or the Governor Nichols Traffic Light towerman, announce their intentions and obtain permission to proceed; or

(ii) VTS New Orleans, announce their intentions and obtain permission to proceed.

(3) All vessels transiting the bridge construction site during construction activities are urged to proceed at minimal speed and to give the derrick barges as wide a berth as possible.

(4) The John F. Beasley Construction Company (contractor for the bridge) shall notify VTS New Orleans 30 minutes prior to moving any equipment into the channel that will remain in the channel and impede navigation to any degree.

(5) This regulation terminates on 31 October 1984, or at the discretion of the Captain of the Port, New Orleans.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3; 48 FR 35404)

Dated: July 26, 1984.

John L. Bailey,

Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 84-23065 Filed 8-29-84; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

Amendment of Part 74 of the Commission's Rules To Reflect an Editorial Change in Auxiliary Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends § 74.24(g) of the Commission's Rules to reflect the new telephone number of the Auxiliary Services Branch. This rule pertains to the notification and coordination procedure for short-term operation by certain classes of auxiliary broadcast stations. In order to facilitate this procedure, interested parties may telephone the Auxiliary Services Branch.

DATE: Effective August 3, 1984.

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

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 632-6485.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 74

Radio, Television.

Order

In the matter of amendment of Part 74 of the Commission's Rules to reflect an editorial change.

Adopted: August 3, 1984.
Released: August 9, 1984.

By the Chief, Mass Media Bureau.

1. The Commission has under consideration an editorial change in § 74.24(g) of the Rules to reflect the new telephone number of the Auxiliary Services Branch in the Audio Services Division of the Mass Media Bureau.

2. Section 74.24(g) of the Rules pertains to short-term operation by certain classes of auxiliary broadcast stations and the requirement that broadcast licensees notify the appropriate frequency coordinating committee or any licensee(s) assigned the use of the proposed frequency. In order to facilitate this notification and coordination process, information on active coordination committees may be obtained by telephoning the Auxiliary Services Branch. The telephone number of this Branch has been recently changed to (202) 634-6307.

3. The amendment adopted herein is editorial and public comment is unnecessary. The prior notice and comment procedures and effective date provision of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are therefore inapplicable. Authority for the amendment adopted herein is contained in section 4(i) of the Communications Act of 1934, as amended.

4. In view of the foregoing, it is ordered, that effective August 3, 1984, Part 74 of the Commission's Rules is amended as set forth in the Appendix hereto.

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

Federal Communications Commission.

James C. McKinney,

Chief, Mass Media Bureau.

Appendix

PART 74—[AMENDED]

47 CFR 74.24 paragraph (g) is revised to read as follows:

§ 74.24 Short-term operation.

* * * * *

(g) The Part 73 licensee of this chapter, prior to operating pursuant to the provisions of this section shall, for the intended location or area-of-operation, notify the appropriate frequency coordination committee or any licensee(s) assigned the use of the proposed operating frequency, concerning the particulars of the intended operation and shall provide the name and telephone number of a person who may be contacted in the event of interference. Information on active frequency coordination committees may be obtained by contacting the FCC's Auxiliary Services Branch at (202) 634-6307 between 8:00 a.m. and 4:30 p.m. Eastern Time. Except as provided below, this notification provision shall not apply where an unanticipated need

for immediate short-term mobile station operation would render compliance with the provisions of this paragraph impractical.

* * * * *

[FR Doc. 84-23027 Filed 8-29-84; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-09; Notice 14]

Child Restraint Systems for Use in Motor Vehicles and Aircraft

AGENCY: National Highway Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule amends Federal Motor Vehicle Safety Standard No. 213, *Child Restraint Systems*, so that child restraint systems can be certified for use in motor vehicles, or for use in both motor vehicles and aircraft. The requirements for certifying child restraints for use in aircraft were formerly specified in the Federal Aviation Administration's (FAA) Technical Standard Order (TSO) C100, which required that in order for child restraint systems to be certified for use in aircraft, they must first be certified for use in motor vehicles and then pass three additional performance tests. Simultaneously with the effective date of this rule, FAA will rescind the requirements of TSO C100 and take action to permit child restraints certified under the requirements of this rule to be used in aircraft.

The notice of proposed rulemaking which preceded this final rule proposed to add the three performance requirements of the TSO and one additional performance requirement for restraints with tether straps to Standard No. 213. This rule adopts one of the three performance requirements of the TSO, the inversion test, and requires that child restraint manufacturers wishing to certify their products for use in both motor vehicles and aircraft certify that the product complies with requirements of the test. The other performance requirements proposed in the notice are not incorporated in this rule because a joint testing program conducted by FAA and NHTSA last year showed these requirements to be redundant. Child restraints which passed the existing higher performance requirements in Standard No. 213 easily passed the requirements of the TSO, which indicates that those TSO requirements are unnecessary to establish that child restraints are effective in the differing environment of the aircraft interior. Accordingly, compliance with those requirements is no longer required to certify child restraints for use in aircraft.

Child restraints which are certified for use in both motor vehicles and aircraft will be required to be labeled in red with the phrase "THIS RESTRAINT IS CERTIFIED FOR USE IN MOTOR VEHICLES AND AIRCRAFT". Child restraints certified only for use in motor vehicles will not be required to change the information currently required by Standard 213 on their labels.

By combining and simplifying the requirements for certifying child restraints for use in motor vehicles and aircraft, FAA and NHTSA hope to encourage more child restraint manufacturers to certify their products for use in both modes of transportation. The ultimate goal of seeking more models of child restraints to be certified for use in both motor vehicles and aircraft is to encourage families traveling by air to use child restraints for their children before, during, and after the air travel portion of their trips.

EFFECTIVE DATE: This rule becomes effective February 26, 1985.

ADDRESS: Petitions for reconsideration may be submitted within 30 days after publication of this rule in the **Federal Register** to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Vladislav Radovich, Office of Vehicle Safety Standards, NRM-12, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: This rule amends Standard No. 213, *Child Restraint Systems* (49 CFR 571.213), so that child restraint systems can be certified for use in both motor vehicles and aircraft, or simply for use in motor vehicles. These amendments are intended to encourage families traveling by air to use child restraints to protect their children before, during, and after the air travel portion of their trips.

Background

Need for Increased Use of Child Restraints

Parents cannot adequately protect their very young children against the risk of death and injury while riding in motor vehicles or aircraft either by holding them in their lap or by fastening a lap belt around them. The forces generated during sudden stops even at speeds as low as 10-15 miles per hour (mph) make it physically impossible for a parent to hold and protect a child in his or her arms. Using a lap belt is better, but it is still inadequate for this purpose (particularly for children under the age of one year) because of the physical dimensions, bone structure, and weight distribution of young children.

The most effective protection that can be afforded these young children are special supplementary seating devices, which are attached to and secured by the lap belt in the vehicle or aircraft. These devices, generically referred to as child restraints, are specifically designed to take into account the physiological differences between young children and older children and adults, and to offer the appropriate protection for these young children exposed to the large energy levels inherent in vehicle crashes.

Efforts to Promote Increased Use of Child Restraints

The NHTSA has been working hard to promote the use of child restraints by more parents. The agency has been advising the various States on the drafting of mandatory child restraint use laws. Such laws have now been enacted in 49 States and the District of Columbia. These laws have significantly increased the sales and use of child restraints, and increased the public awareness of the safety consequences of allowing children to travel unrestrained in motor vehicles.

In addition, the NHTSA has been working to educate the public on the benefits of child restraints. Working with medical professionals, childbirth educational programs and others, the agency has provided information to pediatricians and prospective parents on ways to protect their children in motor vehicles. Further, the agency has developed manuals on how to develop a child restraint loaner program that can assist parents unable to afford their own child restraints.

All of these factors have succeeded in greatly increasing the use of child restraints for children riding in motor vehicles. Currently, restraint usage for infants less than one year old is about 68 percent; and for children ages 1 to 4 the rate is 44 percent; based on the agency's continuing survey of restraint usage in 19 cities.

Impediments to Increased Use of Child Restraints

This heightened use and awareness, combined with the limited number of child restraint models which can be used in both motor vehicles and aircraft, caused confusion and frustration for families traveling by air and car. Both NHTSA and FAA have standards for child restraints. Until recently, of the 42 models of child restraints certified under NHTSA's Standard No. 213 for use in motor vehicles, only 5 models were also approved under the FAA's standard for use in aircraft. If a family tried to take one of the remaining 37 models of child restraints, they were usually required to check the restraint along with the rest of their luggage. This discouraged families from traveling with the unapproved child restraints, and resulted in the child not having the benefit of the safety seat not only during the takeoff and landing of the aircraft, but also when the family was driving in a motor vehicle on the ground portions of the trip.

From a safety viewpoint, data on injuries and fatalities show that travel by air is much safer than by motor vehicle. For children up to 4 years of age, approximately one fatality and 10 injuries occur yearly during commercial air travel vs. over 600 fatalities and 70,000 injuries to motor vehicle occupants. Consequently, the main benefits from the use of child restraints will be derived from the motor vehicle portion of the trip.

The NHTSA Child Restraint Standard

As an initial step toward ensuring that child restraint systems would offer adequate protection to their occupants, NHTSA issued Standard No. 213 in 1970. That standard, which was issued under the authority granted in the National Traffic and Motor Vehicle Safety Act of 1966, as amended (hereinafter "the Safety Act"; 15 U.S.C. 1381 *et seq.*), became effective in 1971. As then drafted, it specified various static tests to ensure the safe performance of child restraints. However, subsequent data showed that child restraints which passed these static tests might not prove effective at protecting a child in certain vehicle crash situations.

Under the current standard, which became effective January 1, 1981, the performance of child restraint systems is evaluated in dynamic tests under conditions simulating a frontal crash of an average car at 30 mph. The restraint is anchored by a lap belt and, if provided with the restraint, by a supplemental anchorage belt (known as a tether strap). An additional frontal impact test at 20 mph is conducted for restraints equipped with either tether straps or internal harness and a restraint surface. In that additional test, child restraints with tether straps are tested with the straps detached and child restraints with a restraint surface (e.g., a padded shield) are tested with the restraint surface in place but with the child restraint system's internal harness unbuckled. The additional 20 mph tests are intended to ensure a minimum level of safety performance when the restraints are improperly used. Thus, child restraints with tethers or with a restraint surface are tested at both 20 and 30 mph, while those without tethers or such a surface are tested at 30 mph only. Both the 20 mph and the 30 mph tests are conducted with the child restraint fastened to a seat representing the typical motor vehicle bench seat.

To protect the child, limits are set on the amount of force exerted on the head and chest of a child test dummy during the dynamic testing of restraints specified for children over 20 pounds. Limits are also set on the amount of frontal head and knee excursions experienced by the test dummy in forward-facing child restraints. To prevent a small child from being ejected from a rearward-facing restraint, limits are set on the amount that the seat can tip forward and on the amount of excursion experienced by the test dummy during the simulated crash.

Compliance of child restraints with Standard No. 213 is assured by the requirement in the Safety Act that manufacturers certify compliance for each child restraint. The agency may review the basis for that certification and conduct testing to assure compliance. The Safety Act provides for the assessment of civil penalties for failures to comply with applicable safety standards, and for certifications which the manufacturer in the exercise of due care has reason to know are false or misleading in a material respect.

The FAA Child Restraint Standard

In May 1982, the FAA issued its own child restraint standard, Technical Standard Order (TSO) C100. One of the key factors underlying the development of TSO C100 was child restraint testing conducted by the Civil Aeromedical Institute in 1974. The results of that testing appeared in FAA test report "Child Restraint Systems for Civil Aircraft" (FAA–AM–78–12, March 1978). Another factor was the FAA's determination that differences in the environments of aircraft and motor vehicles necessitated its establishing performance requirements to address the special safety risks posed to young children traveling in aircraft. One of these differences is the tendency of the seat back of aircraft seats to fold forward with the application of a very low force. The FAA determined that there was a need to control the interaction between the young child, especially those facing rearward in a child restraint, and the seat back to ensure that the seat back does not apply unacceptable levels of force onto the child. The FAA also determined that there was a need to address the danger that in-flight turbulence (especially in the upward direction) might throw a child out of his or her child restraint.

Accordingly, the FAA drafted TSO C100 so that it requires each child restraint to meet the requirements of NHTSA's Standard No. 213 and four additional requirements. First, while attached to an aircraft passenger seat with a free-folding seat back by an aircraft safety belt, and occupied by a test dummy, each child restraint must provide protection in an impact producing a 20 mph velocity change. There is no double testing of child restraints with tethers as under Standard No. 213. Such restraints are tested only once in an impact and with their tethers unattached. Second, each child restraint must retain its occupant during an inversion test. Third, each child restraint must withstand the static forces specified in Federal Aviation Regulations § 25.561 (14 CFR 25.561), with each of the forces acting separately. Fourth, TSO C100 specifies requirements for marking child restraints with assembly and usage instructions, providing a copy of such instruction to child restraint users and submitting a copy of these instructions and various technical information and test results to the FAA. In addition, the TSO procedures require the establishment and maintenance of a manufacturer quality control system. The quality control system is intended to assure that seats are manufactured in such a way as to meet the standard's performance requirements.

For a child restraint to be approved for use in aircraft, the manufacturer must submit specified information to the FAA along with a certifying statement that the restraint meets the requirements of TSO C100. After the FAA approval is issued, if airlines permit, the restraint can be used for infants or young children during all phases of flight, including takeoff and landing. Once the FAA approved a particular model of child restraint, that agency followed a policy of accepting child restraints of that model that were manufactured prior to the date of approval for use in aircraft during all phases of flight, provided that

those earlier child restraints were substantially identical to the approved one and were properly identified as to make and model by a Standard No. 213 certification label.

The result of these differing requirements was that only a few of the child restraints certified for use in motor vehicles were also certified for use in aircraft. In 1983, the National Transportation Safety Board (NTSB) considered the safety problems facing young children traveling in motor vehicles and aircraft and urged that a variety of actions be taken to promote the use of child restraints. It urged that all States adopt laws requiring that infants and young children be placed in child restraints when riding in motor vehicles. It also recommended that the DOT simplify its standards specifying performance requirements for child restraints by combining all technical requirements into a single standard (NTSB Safety Recommendations A–83–1, issued February 24, 1983).

After considering the benefits which would result from the increased use of child restraints, the FAA and the NHTSA jointly concluded that the process of certifying child restraints for use in both motor vehicles and aircraft could and should be simplified and expedited. By combining the separate NHTSA and FAA standards into a single standard under the jurisdiction of a single agency, child restraint manufacturers could avoid the difficulties of dealing with different standards, methods of certification, and testing procedures promulgated by the two agencies. Accordingly, a notice of proposed rulemaking (NPRM) was published at 48 FR 36849, August 15, 1983.

Details of the NPRM

The NPRM proposed that the NHTSA would be the sole agency responsible for enforcing the new Standard No. 213, which would be applicable to child restraint systems designed for use in both motor vehicles and aircraft. In essence, the NPRM proposed that the requirements in both agencies standards for child restraints be unchanged and simply combined into an expanded Standard No. 213, with one further performance test added for child restraints to be certified for use in aircraft. This would avoid the problems inherent in dealing with the differing certification procedures of the two agencies and consolidate all of the requirements into one standard.

Under the proposal, manufacturers which elected to certify their child restraints for use on aircraft would have to certify that these restraints could pass those four additional tests. Those manufacturers which did not elect to certify their restraints for use on aircraft would not have to make that certification. The existing requirements in Standard No. 213 applicable to child restraints certified for use in motor vehicles were not proposed to be changed in any way by the NPRM. What was proposed was simply an option for manufacturers to subject their restraints to some additional testing if they wanted to certify those restraints for use on aircraft.

Three of the four additional performance tests proposed to be added to Standard No. 213 for child restraints certified for use on aircraft were drawn almost verbatim from the FAA's child restraint standard. These additional tests were proposed to be required to ensure that child restraints certified for use in aircraft would offer adequate protection to young children in the unique interior environment of aircraft.

The first additional test proposed in the NPRM was a dynamic impact test at 20 mph for all restraints not equipped with a tether strap. The child restraint would be attached to a representative aircraft seat only by the aircraft seat belt attached to the aircraft seat. The child restraint would not be permitted to fail or deform in a manner that could seriously injure or prevent subsequent extrication of the occupant. This test was taken almost verbatim from paragraph (a)(2)(i) of TSO C100.

The second additional test proposed in the NPRM would apply only to child restraints equipped with a tether strap. These restraints would be tested under the same procedures as untethered restraints, except that the impact would be at 30 mph with the tether strap unattached. The same criteria for determining satisfactory performance specified above for untethered restraints would again be used. This requirement was not drawn from TSO C100. However, NHTSA decided to include the requirement because the FAA believed that, since aircraft seats have no place to which the tether strap could be anchored, it was necessary to subject such restraints to a more stringent performance test to ensure that these restraints would offer adequate aircraft safety.

The third test proposed in the NPRM was an inversion test. Its purpose is to ensure that the child restraint could protect the child from air turbulence. The test, drawn directly from the language of paragraph (a)(2)(ii) of TSO C100, would have required the combination of a child restraint, test dummy, and aircraft passenger seat to be rotated to an inverted position and held there without any failure or deformation of the child restraint that could seriously injure or prevent the subsequent removal of the occupant.

The fourth additional test proposed in the NPRM would have required each child restraint to withstand the ultimate inertia forces specified in 14 CFR 25.561, with each of those forces acting separately. This requirement was specified in paragraph (a)(2)(iii) of TSO C100. Engineering analysis would have been acceptable in lieu of actual testing to establish compliance with this proposed requirement.

The procedures to be followed in conducting these tests or analyses were drawn from paragraph (a)(2)(iv) of TSO C100. They provided for the testing or analysis of child restraints to determine their adequacy for protecting the weight and stature of child for which the restraint is designed. The test dummies to be used were those specified in section S7 of Standard No. 213. Other procedural provisions related to the placing of the test dummy in the restraint, the attaching of the restraint to the aircraft seat, and the design of the aircraft seat.

As noted above, the NPRM gave child restraint manufacturers an option either to certify their restraints for use in both motor vehicles and aircraft or to certify the restraints only for use in motor vehicles. Those electing the latter option would have been required by the NPRM to include the statement, "THIS RESTRAINT IS NOT CERTIFIED FOR USE IN AIRCRAFT", on the certification label and operating instructions for the child restraint. This labeling requirement was proposed to ensure that parents seeking to buy restraints for use in both modes of transportation and airline flight attendants would easily ascertain whether a particular child restraint was not certified for use in aircraft.

The NPRM also announced that FAA and NHTSA would jointly test many models of child restraints for compliance with the TSO C100 requirements. The test results generated by this program were made available to the manufacturers of the tested restraints to assist them to certify their child restraints for use in both modes of transportation.

FAA–NHTSA Testing of Child Restraints

The testing program evaluated all 42 models of child restraints currently manufactured and certified as meeting the requirements of Standard No. 213 to determine whether they complied also with the existing requirements of TSO

C100. (See DOT HS–806–413.) There was some preliminary difficulty in determining how to establish whether a child restraint system had "failed or deformed in a manner that could seriously injure or prevent subsequent extrication of a child occupant," the criterion for determining compliance with the tests in TSO C100. The two agencies agreed to use the performance requirements specified in section S5 of Standard No. 213, but to exclude the head and chest acceleration requirements set forth in section S5.1.2.

All 42 models of child restraints, including the 11 which have tether straps, were subjected to the 20 mph dynamic test while attached to a representative aircraft seat, and all passed by a considerable margin. Similarly, the three tethered child seats and eight tethered booster seats were subjected to a 30 mph impact with the tether unattached, and all again passed by a considerable margin. The performance of the three tethered child seats was not appreciably different than was registered by them in the 20 mph impact test, and the head and knee excursions measured in this test were well under those recorded for the restraints in the Standard No. 213 tests. All 42 models were subjected to the TSO C100 inversion test, and all 42 were deemed to have passed those requirements. Additionally, all 42 models were subjected to the static loading tests at the levels specified in TSO C100, and all 42 passed the test.

All 42 models were also tested to the requirements of "old" Standard No. 213, which required the restraint to withstand inertia loads approximately three times greater than those specified in TSO C100. Standard No. 213 was upgraded from these old requirements primarily because of the structural failures which occurred in 30 mph dynamic tests of restraints which met the static load requirements under the old version of the standard. NHTSA believed that any of the restraints which could satisfy the dynamic testing requirements of the new Standard No. 213 would also satisfy the static loading requirements of the old standard. Since the loads required under the old standard were approximately three times the level required by the TSO, any devices which could satisfy the old standard would *ipso facto* satisfy the TSO requirements.

In this testing to the levels prescribed under the old standard, 40 of 42 models of child restraints passed. The two restraints which failed the tests did so in only one direction, and at load levels 2½ times those required in the TSO.

The joint testing program made it possible for the manufacturers of every model of child restraint currently produced to seek prompt FAA approval for the restraints under TSO C100. This has expedited the process for certifying current models of child restraints for both aircraft and motor vehicle use. At present 36 models have received TSO approval.

However, the Department of Transportation still believes that it is necessary to proceed with a final rule in this area. As a practical matter, new child restraints will be introduced into the market, and those models would face the same obstacles which were confronted by current models before the completion of the joint testing program. It is poor regulatory policy to subject manufacturers to needless and repetitious testing of the identical product to satisfy slightly differing requirements of two different agencies. These considerations impel FAA and NHTSA to proceed to a final rule at this time, so that the situation which existed prior to the joint program does not recur at some future date.

Comments

Most of the more than 20 commenters on the NPRM endorsed the concept of combining the FAA and NHTSA standards into one standard. Some of the commenters expressed qualified support for the concept, but reserved final judgment until the results of the joint testing program were made available to the public.

Only one commenter opposed the basic concept of combining the two standards, and that opposition was based on the belief that NHTSA was neither competent nor properly equipped to regulate items related to aviation and the aircraft industry. First, NHTSA believes it should be emphasized that this rule was developed with the cooperation and support of the FAA, which certainly has the necessary expertise regarding the aviation industry. Further, child restraints are not items which are uniquely related to aviation and the aircraft industry; most of the lifesaving benefits of child restraints accrue while the young child is riding in a motor vehicle. Finally, both NHTSA and FAA gained new knowledge about the interplay of the aircraft seat, child restraint, and child during a sudden deceleration during the recently completed joint testing program. For these reasons, the agencies believe it is appropriate to go forward with this rulemaking.

Several comments raised issues outside the scope of this rulemaking. These included permissible seat positions for approved child restraints in aircraft, retroactive certification for aircraft use of models recently approved for such use, the extent to which individual airlines must examine the restraint's certification to determine its validity, differences in the various airlines' policies permitting the use of child restraints, and so forth. This rulemaking is addressing only the steps child restraint manufacturers must take to certify their products for use in motor vehicles and aircraft. The procedures regulating the actual use of the restraints in aircraft are not being addressed herein; such procedures will be decided solely by the FAA. These and other questions on the procedures should be addressed to that agency.

The commenters made several objections to each of the four proposed additional requirements, to which compliance would have to be certified if a manufacturer wanted to certify its child restraint for use in aircraft. Regarding the first proposed additional test that child restraints without tether straps be tested in an aircraft seat at a 20 mph impact, these commenters argued that all child restraints certified as complying with Standard No. 213 are already subjected to a 30 mph impact in the more severe environment of a car seat. Accordingly, this argument continued, the proposal to require a lower speed test in a less severe environment would simply add to the testing burden for child restraint manufacturers, without ensuring any higher degree of safety.

One of the child restraint manufacturers correctly noted in its comments that the reason for proposing the 20 mph test in the aircraft seat was the concern that the more flexible back of such a seat could snap forward on impact and hit the child restraint and/or child with additional crash forces and that those additional forces would not be considered in the 30 mph test with the restraint attached to a car seat. This commenter suggested that their own testing and some NHTSA tests in 1982 showed that the back of the aircraft seat does not exert significant forces relative to the crash forces. The commenter concluded that NHTSA should delete this proposed requirement unless the joint testing program showed some evidence that significant forces were actually exerted.

The joint testing program showed that the forces to which the test dummy and restraint are subjected in the 20 mph dynamic test in the aircraft seat were ⅓ to ½ less than those to which they were subjected in the 30 mph dynamic test in the car seat. This finding was hardly

significant or surprising, given the lower speed at impact.

A far more significant finding was made regarding the amount of the loading imposed by the flexible aircraft seat back on the restrained dummy. For this testing, the aircraft seat back was instrumented with a triaxial accelerometer so that quantitative assessments of the produced forces could be made. Inspection of the acceleration-time histories and the loads measured on the aircraft seat belts revealed that in every test the maximum forces generated by the child restraints (as measured by the test dummy and including the peak and chest accelerations and the peak belt loads) occurred some 25–40 milliseconds before the occurrence of the peak acceleration of the seat back. Also, the magnitude of the head and chest accelerations imparted to the child seat occupant by the restraining action of child seats were much higher than those imparted later on by the action of the aircraft seat back. These facts indicate that the loads imparted when the seat back struck the child restraint and its occupant are relatively insignificant when compared with the loads imparted by the crash. Confirmation of this was found in the fact that the seat back acceleration had no significant influence on the head and chest accelerations measured in the test dummies. However, the loads measured on the aircraft seat belt were increased during the seat back acceleration. This finding suggests that the load exerted by the acceleration of the seat back is transferred directly through the structure of the child restraint to the seat belt. This fact would again confirm the view that the seat back acceleration poses no threat to the occupant of a child restraint.

Based on these results, which occurred in each test, NHTSA believes that it has been established that seat back acceleration poses an inconsequential threat to occupants of child restraints, and that any restraint which protects its occupant against the crash forces will adequately protect its occupant against the forces generated by the seat back acceleration. Given these conclusions, it is unnecessary to test child restraints for their ability to protect a child against the threat of the folding aircraft seat back. Accordingly, the agency has deleted the requirement that child restraints be certified for use in aircraft capable of protecting a restrained child in a 20 mph impact when attached to an aircraft seat.

Many of the commenters objected to the requirement that tethered restraints be subjected to a 30 mph crash in an aircraft seat with the tether unattached. The rationale for these objections was perhaps best summed up in the NTSB comment. The NTSB stated that it could understand subjecting restraints with tethers to the same test as restraints without tethers, and not permitting the restraints with tethers to have their tether strap attached during the test. Such a proposal would ensure that these restraints could pass the same requirements as other child restraints, and that they could do so under the conditions present in aircraft; i.e., with their tether straps unattached. However, the NTSB continued, it was not justifiable to require these restraints to undergo a more severe test than other restraints. One child restraint manufacturer commented that this 30 mph test requirement would not ensure any higher level of safety on aircraft since the aircraft seats themselves would not withstand a 30 mph impact. This commenter went on to say that in an actual crash at 30 mph, there is as much potential of injury to the child from the failure of the aircraft seat itself as from the failure of the child restraint.

As indicated above in the section summarizing the joint testing program, the tests conducted on child restraints with tethers showed that all of those restraints easily passed this 30 mph crash test requirement, that the results were not much higher than were those measured in the 20 mph tests, and that the results showed an appreciably lower force level for the restraints in this test than were obtained in the Standard No. 213 misuse test. Given the conclusion that the seat back acceleration does not transmit any significant forces to the occupant of the child restraint and the fact that this test imposes lower crash forces than the Standard No. 213 tests, it seems unnecessary to require the child restraint manufacturers to certify compliance with this test. The points made in the comments on this proposal also are convincing, so it has been determined not to incorporate this test in the final rule.

The third proposed additional test was an inversion test whose purpose is to ensure that the child restraints certified for use in aircraft could adequately protect the child against the dangers posed by sudden air turbulence. The commenters who addressed this issue seemed to generally agree that this was a hazard which child restraints for use in aircraft should protect against and that restraints which passed the requirements of Standard No. 213 would not necessarily pass this test. NHTSA also believes that the inversion test was not shown to be redundant of existing test procedures, and has determined that this test should be incorporated in this final rule. The requirements for this inversion test are adopted verbatim from those proposed in the NPRM. Several commenters questioned some of the inversion test procedures and offered suggested alternatives. The agency agrees some refinements could be made. However, it is necessary first to issue a new NPRM. The NPRM, which proposes to amend the requirements for the inversion test adopted in this rule, discusses these comments further.

The fourth additional test proposed in the NPRM was a static load test. Several commenters questioned the need for the relatively low inertial loads of that test to be applied to the restraints, considering the much greater loads to which the child restraint is subjected in the testing for Standard No. 213. This fact, together with the joint testing results which showed that all currently produced child restraints can withstand loads at least 2½ times greater than those specified in this proposed test, leads NHTSA to conclude that this test is redundant and does not ensure any higher level of safety. Accordingly, it is not adopted in this final rule.

Several commenters addressed the criteria used to determine if a child restraint has passed the two simulated crash tests and the inversion test applicable to restraints for aircraft use. These criteria were that the child restraint system "may not fail nor deform in a manner that could seriously injure or prevent subsequent extrication of a child occupant." Some of the child restraint manufacturers asked precisely how one determines if a restraint has failed or deformed in such a manner. Another commenter opined that those criteria "are so vague and subjective as to be of no substantive value whatsoever."

NHTSA agrees with these commenters' judgment that the criteria for determining compliance could be made more objective. However, the Administrative Procedure Act requires that interested persons be given notice of proposed rulemaking and an opportunity to comment thereon prior to an agency's adopting changed requirements as a final rule (5 U.S.C. 553). This provision of the law prevents the agency from adopting these more objective criteria in this final rule, because the interested persons would not have had an opportunity to comment on those criteria. Accordingly, NHTSA is today publishing a notice of proposed rulemaking to incorporate more objective criteria for the inversion test. This notice has a 45-day comment

period, to provide any interested persons with the chance to comment on the changes while allowing the agency to move promptly to incorporate more objective criteria.

Most of the commenters addressed the issues raised by the language proposed to be labeled on child restraints which were certified only for use in motor vehicles. The NPRM proposed that such child restraints have the statement "THIS RESTRAINT IS NOT CERTIFIED FOR USE IN AN AIRCRAFT." A number of commenters opposed this "negative" labeling because it could give consumers the impression that such a restraint was not as safe for motor vehicle use as a restraint which was certified for use in both aircraft and motor vehicles. In fact, both restraints would have been certified as passing the same dynamic tests for use in motor vehicles. Other problems alleged to exist with this labeling scheme were that consumers would not be sure whether a child restraint not bearing such a label could be used safely in aircraft, and that this "negative" labeling could result in older, unlabeled and uncertified seats being used on aircraft. Further, the proposed labeling could make it difficult for flight attendants to determine which restraints were actually approved for use in aircraft, causing delays and frustration for parents wishing to use child restraints on flights. These commenters all requested that the "negative" labeling proposed in the NPRM be replaced with a simple positive statement in the final rule.

NHTSA agrees with these comments. The informational purposes of the labeling requirement would be better served by simple positive declarations. The labeling requirement adopted in the final rule specifies that child restraints certified for use only in motor vehicles recite the same certification that is currently required, with no additional statements, and those restraints certified for use in both motor vehicles and aircraft simply add a statement of that dual certification.

Finally, a child restraint manufacturer asked that the final rule clarify the standard aircraft seat assembly to be used for testing the child restraint. The NPRM stated in section S7.3(b) that a "representative aircraft passenger seat" be used. The term "representative aircraft passenger seat" was defined in section S5 of the NPRM as either a production seat approved by the FAA or a simulated seat conforming to Drawing Package SAS–100–2000. NHTSA believes this definition is clear, and will result in consistent test results. No further changes to this definition have been made in this final rule.

OMB Clearance

The labeling requirements for child restraints are considered to be information collection requirements, as that term is defined by the Office of Management and Budget (OMB) in 5 CFR Part 1320. OMB has approved the labeling requirements for child restraints certified for use in motor vehicles (OMB No. 2127–0511), but has not approved the labeling requirements for child restraints certified for use in motor vehicles and aircraft. Accordingly, those labeling requirements have been submitted to the OMB for its approval, pursuant to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). A notice will be published in the **Federal Register** when OMB approves this information collection.

Impacts

NHTSA has analyzed the impacts of this rule and determined that the rule is not "major" within the meaning of Executive Order 12291, but is "significant" within the meaning of the Department of Transportation regulatory policies and procedures. The rule simplifies and combine the requirements of two existing government regulations into one regulation. It would not impose any new burdens upon any manufacturer. If a child restraint manufacturer wishes to continue certifying one of its child restraint models for use in motor vehicles only, the requirements for doing so are unchanged and the testing costs would remain at about $3,500. If a child restraint manufacturer wishes to certify a model for use in motor vehicles and aircraft, its testing costs under Standard No. 213 would increase by about $1,500 to a total of about $5,000. However, the total testing costs for certifying a model to this combined Standard No. 213 will be less than the total testing costs for certifying compliance with Standard No. 213 and TSO C100 (estimated at about $8,000). Further, this cost reduction and the need to certify to only one agency's regulation, instead of two agencies' regulations, should provide a slightly reduced cost of compliance for those child restraint manufacturers that choose to certify their products for use in motor vehicles and aircraft. Although these impacts are minimal, a regulatory evaluation has been prepared.

NHTSA has also considered the impacts of this rule on small entities, as required by the Regulatory Flexibility Act. Based upon this consideration, I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. While some of the child restraint manufacturers are small businesses, the amendments in this rule are optional requirements which need not be met by any manufacturer. Those manufacturers desiring to take the additional step of certifying their products for use in aircraft will find their costs reduced over what they would have been before this rule became effective. This would represent a slight benefit to these small businesses. Small organizations and small governmental units will be minimally affected by these changes, since they do not purchase significant numbers of child restraints. Even if they did purchase significant numbers of restraints, the cost impacts will be minimal as a result of this rule.

Finally, the agency has considered the environmental implications of this rule in accordance with the National Environmental Policy Act and determined that this rule will not significantly affect the human environment.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In consideration of the foregoing, the following amendments are made to § 571.213, *Child restraint systems*, of Title 49 of the Code of Federal Regulations.

1. Paragraph S1 is revised to read as follows:

S1. *Scope.* This standard specifies requirements for child restraint systems used in motor vehicles and aircraft.

2. Paragraph S2 is revised to read as follows:

S2. *Purpose.* The purpose of this standard is to reduce the number of children killed or injured in motor vehicle crashes and in aircraft.

3. Paragraph S3 is revised to read as follows:

S3. *Application.* This standard applies to child restraint systems for use in motor vehicles and aircraft.

4. The definition of "Child restraint system" in paragraph S4 is revised to read as follows:

"Child restraint system" means any device except Type I or Type II seat belts, designed for use in a motor vehicle or aircraft to restrain, seat, or position children who weigh 50 pounds or less.

5. Paragraph S4 is amended by adding the following new definition in alphabetical order:

"Representative aircraft passenger seat" means either a Federal Aviation Administration approved production aircraft passenger seat or a simulated aircraft passenger seat conforming to Drawing Package SAS–100–2000.

6. Paragraph S5 is revised to read as follows:

S5. *Requirements for child restraint systems certified for use in motor vehicles.* Each child restraint certified for use in motor vehicles shall meet the requirements in this section when, as specified, tested in accordance with S6.1.

7. Section S5.5.2 is amended by the addition of a new paragraph (m) which reads as follows:

* * * * *

(m) Child restraints that are certified as complying with the provisions of section S8 shall be labeled with the statement "THIS RESTRAINT IS CERTIFIED FOR USE IN MOTOR VEHICLES AND AIRCRAFT". This statement shall be in red lettering, and shall be placed after the certification statement required by paragraph (e) of this section.

8. Paragraph S7.3 is revised to read as follows:

S7.3 *Standard seat assemblies.* The standard seat assemblies used in testing under this standard are:

(a) For testing for motor vehicle use, a simulated vehicle bench seat, with three seating positions, which is described in Drawing Package SAS–100–1000 (consisting of drawings and a bill of materials); and

(b) For testing for aircraft use, a representative aircraft passenger seat.

9. A new paragraph S8 is added to the standard to read as follows:

S8. *Requirements, test conditions, and procedures for child restraint systems manufactured for use in an aircraft.* Each child restraint system manufactured for use in both motor vehicles and aircraft must comply with all of the applicable test requirements specified in section S5 and, when tested in accordance with the conditions and procedures of S8.2, the additional requirements specified in section S8.1.

S8.1 Child containment for conditions of in-flight turbulence must be determined by inversion tests. The combination of a representative aircraft passenger seat, child restraint system, and appropriate test dummy must be rotated from the normal upright position to an inverted position. The combination must remain inverted for at least 3 seconds with neither failure nor deformation that could seriously injure or prevent subsequent extrication of a child occupant. Child containment must be demonstrated for rotation in the forward direction and a sideward direction.

S8.2 Each configuration and mode of installation must be tested for protection of a child of a weight and stature for which the child restraint system is designed. The child occupant must be simulated with an appropriate test dummy as specified in paragraph S7. Placement of each restraint system in a representative aircraft passenger seat and placement of the test dummy must be in accordance with the manufacturer's instructions. Each child restraint system must be attached to the seat by means of an aircraft safety belt without supplementary anchorage belts or tether straps; FAA Technical Standard Order approved safety belt extensions may be used. The representative aircraft passenger seat used in each test must have a seat back that is completely free to fold over.

(Secs. 103, 109, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392 and 1407); delegation of authority at 49 CFR 1.50)

Issued on August 24, 1984.

Diane K. Steed,

Administrator.

[FR Doc. 84–22957 Filed 8–29–84; 8:45 am]

BILLING CODE 4910–59–M

Proposed Rules

Federal Register
Vol. 49, No. 170
Thursday, August 30, 1984

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 870, 871, 872 and 873

Basic Life Insurance, Standard Optional Life Insurance, Additional Optional Life Insurance and Family Optional Life Insurance

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: OPM proposes to regulate the period of time following loss of group life insurance coverage during which employees and family members, in the case of family optional insurance, may convert their coverage under the Federal Employees' Group Life Insurance (FEGLI) Program to an individual policy. Further, agencies would be required to provide a notice of the loss of group coverage to affected individuals. OPM proposes to regulate the time period because a number of employees have commented that the regulations and OPM's 15 day administrative extension of time are insufficient.

DATE: Comments must be received on or before October 29, 1984.

ADDRESS: Written comments may be sent to Lucretia F. Myers, Office of Pay and Benefits Policy, Compensation Group, P.O. Box 57, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20044, or delivered to Room 4351.

FOR FURTHER INFORMATION CONTACT: John Ray, (202) 632–9677.

SUPPLEMENTARY INFORMATION: The FEGLI regulations provide a 31-day extension of life insurance coverage to insured employees and family members covered under the family optional insurance who lose group coverage for reasons other than voluntary cancellation. This 31-day extension applies only if the insured is not eligible to re-acquire group coverage within 3 calendar days after the event causing loss of coverage. The current FEGLI regulations also provide that an employee who loses group coverage may convert, to an individual policy, all or part of that coverage *during the 31 days* coverage is extended. OPM has, in the past, administratively extended the 31-day timeframe for conversion by allowing the employee 15 days from the date of the agency's notice of the right to convert, if that 15-day extension provided the employee more time. However, the 15-day extension is sometimes still insufficient notice for many employees and for their survivors who are covered by the family optional insurance.

A number of employees have commented that they believe the regulations and OPM's 15 day administrative extension of time are insufficient. They noted that many times the agencies do not furnish them timely notice of the right to convert their coverage. Further, 15 days from the date of the notice does not allow enough time for the notices to reach them via regular mail service and for them to react. Therefore, OPM proposes to amend the regulations to provide a conversion period which ends 31 days after the event causing loss of coverage or notification of the right to convert, whichever is later. The 31-day extension of coverage after the loss of group coverage is not affected by this change.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that within the scope of the Regulatory Flexibility Act, these regulations will not have a significant economic impact on a substantial number of small entities because they would affect only employees of the Federal Government.

List of Subjects in 5 CFR Parts 870, 871, 872, and 873

Administrative practice and procedure, Government employees, Life insurance.

U.S. Office of Personnel Management.
Donald J. Devine,
Director.

For the reasons set forth above, OPM proposes to amend Title 5 of the Code of Federal Regulations as follows:

PART 870—BASIC LIFE INSURANCE

1. In § 870.501, paragraph (e) is revised to read as follows:

§ 870.501 Termination and conversion of insurance coverage.

* * * * *

(e)(1) After termination of group coverage for any reason other than voluntary cancellation, an employee may, upon application and without medical examination, convert all or any part of his/her basic life insurance to an individual policy. The rates of the individual policy are the rates applicable to the employee's attained age and class of risk. An employee is eligible to convert the policy only if he/she does not return, within 3 calendar days from the terminating event, to a position allowing coverage under the group plan.

(2) The employing agency must notify the employee of the loss of group coverage and the right to convert to an individual policy either prior to or immediately following the event causing the loss of coverage.

(3) The employee's request for conversion information must be submitted to the Office of Federal Employees' Group Life Insurance and postmarked within 31 days following the date of the terminating event or within 31 days of the date the employee received notice of loss of the group coverage and right to convert, whichever is later.

(4) When an agency fails to provide the notification described in paragraph (e)(2) of this section, or the employee fails for other reasons beyond his/her control to request conversion as described in paragraph (e)(3) of this section, he/she may request conversion to a individual policy by writing to the Office of Federal Employees' Group Life Insurance. Such a request must be filed within six months after an employee becomes eligible to convert basic life insurance. The employee must show that he/she was not notified of the loss of coverage and the right to convert, and was not otherwise aware of it, or that he/she was unable, for cause beyond his/her control, to convert the basic life insurance. The Office of Federal Employees' Group Life Insurance will determine if the employee is eligible to convert, and when the determination is

affirmative, the employee may convert within 31 days of that determination.

(5) When an employee converts his/her basic life insurance coverage under the provisions of paragraph (e)(4) of this section, the individual plan coverage is retroactive to the day following the 31-day extension of group coverage. The employee must pay the premiums due for the retroactive period.

(6) An employee who fails to exercise his/her right to convert to an individual policy within 31 days after receiving notice of the right to convert or within 31 days of the terminating event, whichever is later, is deemed as having declined coverage unless OFEGLI determines the failure was for cause beyond his/her control as described in paragraph (e)(4) of this section.

PART 871—STANDARD OPTIONAL LIFE INSURANCE

2. In § 871.501, paragraph (e) is revised to read as follows:

§ 871.501 Termination and conversion of insurance.

* * * * *

(e)(1) After termination of group coverage for any reason other than voluntary cancellation, an employee may, upon application and without medical examination, convert all or any part of his/her standard optional insurance to an individual policy. The rates of the individual policy are the rates applicable to the employee's attained age and class of risk. An employee is eligible to convert the policy only if he/she does not return, within 3 calendar days from the terminating event, to a position allowing coverage under the group plan.

(2) The employing agency must notify the employee of the loss of coverage and the right to convert to an individual policy either prior to or immediately following the event causing the loss of coverage.

(3) The employee's request for conversion information must be submitted to the Office of Federal Employees' Group Life Insurance and postmarked within 31 days following the date of the terminating event or within 31 days of the date the employee received notice of loss of the group coverage and right to convert, whichever is later.

(4) When an agency fails to provide the notification described in paragraph (e)(2) of this section, or the employee fails for other reasons beyond his/her control to request conversion as described in paragraph (e)(3) of this section, he/she may request conversion of an individual policy by writing to the Office of Federal Employees' Group Life Insurance. Such a request must be filed within six months after an employee becomes eligible to convert the standard optional insurance. That employee must show that he/she was not notified of the loss of coverage and the right to convert, and was not otherwise aware of it, or that he/she was unable, for cause beyond his/her control, to convert the standard optional insurance. The Office of Federal Employees' Group Life Insurance will determine if the employee is eligible to convert, and when the determination is affirmative, the employee may convert within 31 days of that determination.

(5) When an employee converts his/her standard optional insurance coverage under the provisions of paragraph (e)(4) of this section, the individual plan coverage is retroactive to the day following the 31-day extension of group coverage. The employee must pay the premiums due for the retroactive period.

(6) An employee who fails to exercise his/her right to convert to an individual policy within 31 days after receiving notice of the right to convert or within 31 days of the terminating event, whichever is later, is deemed as having declined coverage unless OFEGLI determines the failure was for cause beyond his/her control as described in paragraph (e)(4) of this section.

PART 872—ADDITIONAL OPTIONAL LIFE INSURANCE

3. In § 872.501, paragraph (e) is revised to read as follows:

§ 872.501 Termination and conversion of insurance.

* * * * *

(e)(1) After termination of group coverage for any reason other than voluntary cancellation, an employee may, upon application and without medical examination, convert all or any part of his/her additional optional insurance to an individual policy. The rates of the individual policy are the rates applicable to the employee's attained age and class of risk. An employee is eligible to convert the policy only if he/she does not return, within 3 calendar days from the terminating event, to a position allowing coverage under the group plan.

(2) The employing agency must notify the employee of the loss of group coverage and the right to convert to an individual policy either prior to or immediately following the event causing the loss of coverage.

(3) The employee's request for conversion information must be submitted to the Office of Federal Employee's Group Life Insurance and postmarked within 31 days following the date of the terminating event or within 31 days of the date the employee received notice of loss of group coverage and right to convert, whichever is later.

(4) When the agency fails to provide the notification described in paragraph (e)(2) of this section, or the employee fails for other reasons beyond his/her control to request conversion as described in paragraph (e)(3) of this section, he/she may request conversion to an individual policy by writing to the Office of Federal Employees' Group Life Insurance. Such a request must be filed within six months after an employee becomes eligible to convert the additional optional insurance. The employee must show that he/she was not notified of the loss of coverage and the right to convert, and was not otherwise aware of it, or that he/she was unable, for cause beyond his/her control, to convert the additional optional insurance. The Office of Federal Employees' Group Life Insurance will determine if the employee is eligible to convert, and when the determination is affirmative, the employee may convert within 31 days of that determination.

(5) When an employee converts his/her additional optional insurance under the provisions of paragraph (e)(4) of this section, the individual plan coverage is retroactive to the day following the 31-day extension of group coverage. The employee must pay the premiums due for the retroactive period.

(6) An employee who fails to exercise his/her right to convert to an individual policy within 31 days after receiving notice of the right to convert or within 31 days of the terminating event, whichever is later, is deemed as having declined coverage unless OFEGLI determines the failure was for cause beyond his/her control as described in paragraph (e)(4) of this section.

PART 873—FAMILY OPTIONAL LIFE INSURANCE

4. In § 873.501, paragraphs (e) and (f) are revised to read as follows:

§ 873.501 Termination and conversion of insurance.

* * * * *

(e)(1) After termination of group coverage for any reason other than voluntary concellation, an employee may, upon application and without medical examination, convert all or any part of his/her family optional insurance to an individual policy. The rates of the individual policy are the rates applicable to the employee's attained age and class of risk. An employee is

eligible to convert the policy only if he/she does not return, within 3 calendar days from the terminating event, to a position allowing coverage under the group plan.

(2) The employing agency must notify the employee of the loss of group coverage and the right to convert to an individual policy either prior to or immediately following the event causing the loss of coverage.

(3) The employee's request for conversion information must be submitted to the Office of Federal Employee's Group Life Insurance and postmarked within 31 days following the date of the terminating event or within 31 days of the date the employee received notice of loss of group coverage and right to convert, whichever is later.

(4) When an agency fails to provide the notification described in paragraph (e)(2) of this section, or the employee fails for other reasons beyond his/her control to request conversion as described in paragraph (e)(3) of this section, he/she may request conversion to an individual policy by writing to the Office of Federal Employees' Group Life Insurance. Such a request must be filed within six months after an employee becomes eligible to convert the family optional insurance. The employee must show that he/she was not notified of the loss of coverage and the right to convert, and was not otherwise aware of it, or that he/she was unable, for cause beyond his/her control, to convert the family optional insurance. The Office of Federal Employees' Group Life Insurance will determine if the employee is eligible to convert, and when the determination is affirmative, the employee may convert within 31 days of that determination.

(5) When an employee converts his/her family optional insurance coverage under the provisions of paragraph (e)(4) of this section, the individual plan coverage is retroactive to the day following the 31-day extension of group coverage. The employee must pay the premiums due for the retroactive period.

(6) An employee who fails to exercise his/her right to convert to an individual policy within 31 days after receiving notice of the right to convert or within 31 days of the terminating event, whichever is later, is deemed as having declined coverage unless OFEGLI determines the failure was for cause beyond his/her control as described in paragraph (e)(4) of this section.

(f)(1) Following the death of an insured employee, annuitant or compensationer, or following the termination of group coverage of an employee for any reason other than voluntary cancellation, family members as defined by 5 U.S.C. 8701(d) may, upon application and without medical examination, convert their family optional insurance coverage to an individual policy. The rates of the individual policy are the rates applicable to the family member's attained age and class of risk. A family member is eligible to convert the policy only if the employee does not return, within 3 calendar days from the terminating event, to a position allowing coverage under the group plan.

(2) The paying agency must notify the employee of the loss of group coverage and the right to convert to an individual policy either prior to or immediately following the event (except in the event of death) causing the loss of coverage. A family member can not convert to an individual policy if the employee or former employee exercises his/her right of conversion under paragraph (e)(1) of this section. In the event of death, the paying agency will furnish the decedent's family members with a notice of loss of group coverage and the right to convert to an individual policy.

(3) The family member's request for conversion information must be submitted to the Office of Federal Employees' Group Life Insurance and postmarked within 31 days following the date of the terminating event or within 31 days of the date the family member received notice of the loss of group coverage and right to convert, whichever is later.

(4) When the paying agency fails to provide the notification described in paragraph (f)(2) of this section, or the family member fails for other reasons beyond his/her control to request conversion as described in paragraph (f)(3) of this section, he/she may request conversion to an individual policy by writing to the Office of Federal Employees' Group Life Insurance. Such a request must be filed within six months after a family member becomes eligible to convert the family optional life insurance. The family member must show that he/she was not notified of the loss of coverage and the right to convert, and was not otherwise aware of it, or that he/she was unable, for cause beyond his/her control, to convert the family optional insurance coverage. The Office of Federal Employees' Group Life Insurance will determine if the family member is eligible to convert, and when the determination is affirmative, the family member may convert within 31 days of that determination.

(5) When a family member converts his/her coverage under the provisions of paragraph (f)(4) of this section, the individual plan coverage is retroactive to the day following the 31-day extension of group coverage. The family member must pay the premiums due for the retroactive period.

(6) A family member who fails to exercise his/her right to convert to an individual policy within 31 days after receiving notice of the right to convert or within 31 days of the terminating event, whichever is later, is deemed as having declined coverage unless OFEGLI determines the failure was for cause beyond his/her control as described in paragraph (f)(4) of this section.

* * * * *

Authority: 5 U.S.C. 8716.

[FR Doc. 84-22910 Filed 8-29-84; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1065

Milk in the Nebraska-Western Iowa Marketing Area; Proposed Temporary Revision of Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed temporary revsision of rule.

SUMMARY: This notice invites written comments on a proposal to revise temporarily a pooling provision of the Nebraska-Western Iowa Federal milk order. The proposed action would increase from 40 to 50 percent for the months of September through November 1984 the percentage of supply plant receipts that must be transferred or diverted to pool distributing plants in order for the supply plant to maintain pool status. The action was requested by a cooperative association representing producers supplying the market and by a large pool distributing plant operator in order to assure an adequate supply of milk.

DATE: Comments are due not later than September 6, 1984.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

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

SUMMARY: William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial

number of small entities. Such action would provide greater assurance that fluid milk processors will have adequate supplies of milk delivered to their plants to meet the fluid milk needs of their customers and ensure that dairy farmers receive the benefits of having their milk disposed of in the higher-valued uses.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1065.7(b)(3) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area is being considered for the months of September through November 1984.

All persons who desire to submit written data, views or arguments about the proposed revision should send two copies of their views to the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the Federal Register. The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include September 1984 in the temporary revision period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

The provisions proposed to be revised are the supply plant shipping requirements as set forth in § 1065.7(b) that are applicable during the months of September through November 1984. The specific revision would increase the supply plant shipping percentage requirements 10 percentage points from the present 40 percent to 50 percent during each respective month.

Pursuant to the provisions of § 1065.7(b)(3), the supply plant shipping percentages as set forth in § 1065.7(b) may be increased or decreased by up to 20 percentage points during any month to encourage additional milk shipments needed to assure an adequate supply of milk to fluid milk handlers, or to prevent uneconomic shipments merely for the purpose of assuring that dairy farmers will continue to have their milk priced under the order and thereby received the benefits that accrue from such pricing.

Mid-America Dairymen, Inc. (Mid-Am), a cooperative association which represents a large proportion of the producers supplying the Nebraska-Western Iowa market, and Wells Dairy, Inc., a handler who operates distributing plants pooled under the order, requested that the percentage of supply plants receipts that must be transferred or diverted to pool distributing plants in order for the supply plant to be pooled be increased temporarily from 40 to 50 percent. The proponents of the temporary revision cite declining milk production and increasing Class I disposition in the Nebraska-Western Iowa marketing area.

The cooperative states that producer milk pooled on the market has declined from year-earlier levels for each month of 1984, with a range by month of 5.1 percent in January 1984 to 15.4 percent in June 1984 below the same month in the previous year. In total for the first seven months of 1984, producer milk pooled under the Nebraska-Western Iowa order has decreased by nearly 11 percent. According to the cooperative, milk production has declined because of the lower prices to producers, higher milk production costs, and the Milk Diversion Program. Mid-Am cites a Cornell University extension report that 30.6 percent of the commercial dairy farmers in Iowa, and 42.3 percent in Nebraska, are participating in the Milk Diversion Program, under which dairy farmers are paid for reducing milk production. At the same time, the cooperative points out, the price support level for dairy products has been reduced 50 cents per hundredweight, resulting in uniform prices paid to producers for January–July 1984 that averaged 27 cents lower than uniform prices for the same period of 1983. Mid-Am states that costs of producing milk have risen over the same period, producing a cost-price squeeze in net dairy farmer income, which is likely to continue and even accelerate the downward trend in milk production.

Data referred to by the cooperative show that Class I disposition in the Nebraska-Western Iowa market has shown increases ranging from 5.3 percent in July to 13.6 percent in March over year-earlier levels for each month of 1984. The cooperative states that the National Advertising and Promotion Program and the improved economy likely will result in a continuing improvement in Class I sales for the remaining months of 1984. Both Mid-Am and Wells Dairy state that increased supply plant shipping requirements will assure a continued adequate milk supply for distributing plants in the Nebraska-Western Iowa market. The cooperative points out that such a temporary increase will equalize the performance standards for supply plants qualifying for pooling pursuant to § 1065.7(b) with those pooled pursuant to § 1065.7(c).

Therefore, it may be appropriate to increase the aforementioned shipping percentage for the months of September through November 1984 to assure an adquate supply of milk for fluid use.

List of Subjects in 7 CFR Part 1065

Milk marketing orders, Milk, Dairy products.

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

Signed at Washington, D.C., on August 27, 1984.

Edward T. Coughlin,

Director, Dairy Division.

[FR Doc. 84–23096 Filed 8–29–84; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket RM79–76–222 (Pennsylvania–5)]

High-Cost Gas Produced From Tight Formations; Request for Withdrawal of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of request for withdrawal of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982), to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1983)). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Request for Withdrawal of Proposed Rulemaking contains the request of the Commonwealth of Pennsylvania that its recommendation that the Bald Eagle (Oswego) Formation be designated as a tight formation under § 271.703 be withdrawn.

DATES: Comments on the proposed withdrawal are due on September 10, 1984.

No public hearing is scheduled in this docket as yet. Written requests for a

public hearing are due on September 10, 1984.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

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

SUPPLEMENTARY INFORMATION: On August 13, 1984, the Commonwealth of Pennsylvania Department of Environmental Resouces, Bureau of Topographic and Geologic Survey (Pennsylvania) submitted a request to withdraw the Bald Eagle (Oswego) tight formation [1] recommendation which it filed with the Federal Energy Regulatory Commission (Commission) on December 1, 1983, under § 271.703 of the Commission's regulations.[2] The Notice of Proposed Rulemaking was issued by the Director of the Office of Pipeline and Producer Regulation on February 17, 1984.[3]

In its request, Pennsylvania stated that additional information has become available to them since their original December 1, 1983 tight formation proposal was filed. Additionally, inconsistencies and lack of support data enumerated in the staff deficiency letter of July 2, 1984 made it apparent that the Bald Eagle (Oswego) Formation recommendation should be withdrawn. Further, Pennsylvania stated that it will resubmit the Bald Eagle (Oswego) Formation recommendation if appropriate and adequate data become available in the future.

Interested persons may comment on the proposed withdrawal of this rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 10, 1984. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–222 (Pennsylvania–5) and should give reasons, including supporting data, for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conforming copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any persons wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they want to make an oral presentation and so request a public hearing. The person shall specify the amount of time requested at the hearing and should file the request with the Secretary of the Commission no later than September 10, 1984.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

Accordingly, the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, will *not* be amended to include the Bald Eagle Formation in Pennsylvania as a designated tight formation in the event the Commission adopts Pennsylvania's request to withdraw its tight formation recommendation.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–23020 Filed 8–29–84; 8:45 am]

BILLING CODE 6717–01–M

[1] The Bald Eagle (Oswego) Formation included Chapman, Grugan, and Gallaher Townships, Clinton County, and McHenry Township, Lycoming County.

[2] 18 CFR 271.703 (1983).

[3] 49 FR 6920 (February 24, 1984). One favorable comment was received and no hearing was requested.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 204

Claims Against the Maritime Administration Under the Federal Tort Claims Act

AGENCY: Maritime Administration, Transportation.

ACTION: Proposed rule.

SUMMARY: This rule establishes a system for processing Federal tort claims involving the Maritime Administration, and provides information to the public on filing such claims, pursuant to authority delegated by the Secretary of Transportation under 49 CFR 1.45(a).

DATE: Comments must be received on or before October 29, 1984.

ADDRESS: Send comments to: Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Any commentator who wishes acknowledgement of the receipt of comments should include a self-addressed and stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Juan J. Hernandez, Office of the Chief Counsel, Maritime Administration, Room 7221, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, Telephone (202) 426–5712.

SUPPLEMENTARY INFORMATION: The heads of the several operating administrations of the Department of Transportation are delegated, under 49 CFR 1.45(a) (2) and (3), the responsibility of implementing the Federal Tort Claims Act (28 U.S.C. 2671–2680). On August 6, 1981, the Maritime Administration became an operating administration of the Department of Transportation (Pub. L. 97–31). This regulation is necessary to provide information on the tort claims processing procedure so that potential claimants may exercise rights conferred explicitly by statute.

Executive Order 12291, Statutory Requirements and DOT Procedure

Pursuant to E.O. 12291 and the Department of Transportation's Regulatory Policies and Procedure, dated May 22, 1980 (DOT Order 2100.5), respectively, the Maritime Administration has determined that this is not a major rule or a significant rule. This is merely a procedural rule that supplements controlling regulations of another agency. It would generate very little economic impact since it merely advises the public on agency procedure with respect to the exercise of legal rights conferred by statute. Accordingly, the economic impact has been found to be so minimal that futher evaluation is unnecessary. Therefore, the Maritime Administrator certifies that the proposed rulemaking will not have a significant economic impact on a substantial number of small entities. This proposed rule contains an information collection requirement in § 204.8. It has been submitted to the Office of Management and Budget for approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Persons desiring to comment on this information collection requirement should submit their comments to: Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, ATTN: Desk Officer, Maritime Administration. Persons submitting comments to OMB are also requested to submit a copy of their comments to MARAD as indicated under "**ADDRESSES.**"

List of Subjects in 46 CFR Part 204

Claims, Tort claims, Administrative practice and procedure.

Accordingly, a new Part 204 is added to Title 46, Code of Federal Regulations, to read as follows:

PART 204—CLAIMS AGAINST THE MARITIME ADMINISTRATION UNDER THE FEDERAL TORT CLAIMS ACT

Sec.

204.1 Scope and procedure for filing claims.
204.2 Claims payable.
204.3 Claims not payable.
204.4 Time limitations on claims.
204.5 Notification to claimant of action on claim.
204.6 Payment of claims.
204.7 Delegation of authority.
204.8 Where to file claims.
204.9 Indemnity or contribution.
204.10 Attorney's fees.

Authority: 28 U.S.C. 2672; 28 CFR 14.11; 49 CFR 1.45(a) (2) and (3).

§ 204.1 Scope and procedure for filing claims.

This part prescribes the requirements and procedure for administrative settlement of claims against the United States, involving the Maritime Administration, under the Federal Tort Claims Act, based on death, personal injury, or damage to or loss of property. The controlling regulations are promulgated by the Department of Justice at 28 CFR Part 14—Administrative Claims Under Federal Tort Claims Act. These regulations supplement those of the Department of Justice and provide specific guidance regarding claims processing in the Maritime Administration.

§ 204.2 Claims payable.

Claims for death, personal injury, or damage to or loss of real or personal property are payable when the death, injury or damage is caused by a negligent or wrongful act or omission of an employee of the Maritime Administration, while acting within the scope of employment and under circumstances in which the United States, if a private person, would be liable to the claimant under the law of the place where the act or omission occurred.

§ 204.3 Claims not payable.

A claim is not payable under the regulations in this Part 204 if such tort claim is excluded from the scope of the Federal Tort Claims Act, as amended, pursuant to 28 U.S.C. 2680.

§ 204.4 Time limitations on claims.

(a) A claim can be settled only if presented in writing within two years after it accrues.

(b) The two year statute of limitations is not tolled until the Maritime Administration receives from a claimant, or the claimant's duly authorized agent or legal representative, an executed Standard Form 95, "Claims for Damage, Injury, or Death," or written notification of an incident, together with a claim for money damages in a sum certain, for death, personal injury, or damage to or loss of real of personal property. When a claim is received in any office, mail unit, or other Maritime Administration activity which does not have settlement authority over the claim, such office, unit or activity shall transmit it to the official vested with such authority without dealy (see § 204.13, this part).

(c) A claimant may regard the failure of the Maritime Administration to make a final disposition of a claim within six months after the date of receipt of the claim by the Maritime Administration as a final denial for the purpose of filing suit.

§ 204.5 Notification to claimant of action on claim.

(a) If a claim is approved (either for the amount claimed or less than such full amount), the claimant, prior to the disbursement of an award, shall sign a domument releasing the United States, its agents and employees from all further claims relating to the incident giving rise to the approved claim.

(b) If the claim is finally denied, the official vested with such authority shall inform the claimant by certified or registered mail of the final denial of the claim. Notification of final denial shall include a statement that a claimant who does not accept or is dissatisfied with the action may institute suit against the United States not later than six months after the date of mailing of the notice of final denial.

§ 204.6 Payment of claims.

(a) Once the amount to be paid has been agreed upon, the agency shall attempt to forward a check for such amount to the claimant within thirty days.

(b) If a claimant is represented by an attorney, both the claimant and the claimant's attorney shall be designated as payees on any check delivered to the claimant's attorney.

§ 204.7 Delegation of authority.

(a) Subject to written approval of the Attorney General of the United States of any payment in excess of $25,000, the Chief Counsel of the Maritime Administration is authorized to deny or Settle and authorize payment of tort claims in any amount.

(b) The Associate Administrator for Policy and Administration is authorized to deny or settle and authorize payment of all tort claims in an amount not exceeding $10,000, except that the Superintendent, United States Merchant Marine Academy, may deny or settle and authorize payment of tort claims originating from occurrences at the Academy in amounts not exceeding $5,000.

§ 204.8 Where to file claims.

Claims shall be filed with the appropriate official as follows:

(a) Chief Counsel (MAR–220), Maritime Administration, Department of Transportation, Room 7232, Nassif Building, 7th and D Streets, SW., Washington, D.C. 20590

(b) Associate Administrator for Policy and Administration (MAR–300), Maritime Administration, Department of Transportation, Room 7217, Nassif Building, 7th and D Streets, SW., Washington, D.C. 20590

(c) Superintendent (MMA–5100), United States Merchant Marine Academy, Maritime Administration, Kings Point, NY 11024

§ 204.9 Indemnity or contribution.

(a) *Sought by the United States.* If a claim arises under circumstances in which the United States is entitled to indemnity or contribution under a contract or the applicable law governing joint tort-feasors, the Chief Counsel of the Maritime Administration shall notify the third party of the claim and request the third party to honor its obligation to the United States or to accept its share of joint liability. If the issue of indemnity or contribution is not satisfactorily adjusted, a claim shall be settled only after consultation with the Department of Justice as provided in 28 CFR 14.7.

(b) *Sought from the United States.* Claims for indemnity or contribution from the United States shall be settled under this part if the incident giving rise to liability and the claim is otherwise cognizable under this part.

§ 204.10 Attorney's fees.

Attorney's fees for any claim settled under this part are limited to not more than twenty percent of the amount paid in settlement.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Secretary, Maritime Administration.

August 21, 1984.

[FR Doc. 84–22960 Filed 8–29–84; 8:45 am]

BILLING CODE 4910–81–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 84-801; RM-4246; FCC 84-401]

Amendment of the Exemptions in Part 15 of the Commission's Rules for Controlling the Interference Potential of Computers and Similar Electronic Equipment

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The proposed rule change, if ultimately adopted, would exempt large equipment produced in quantities of 10 or less and equipment intended for exclusive use in scientific laboratories from radio interference limits for digital electronic equipment in Part 15, Subpart J of the FCC Rules. This action is needed to respond to a petition for rulemaking from Electronics Associates, Inc. The intended effect of this action is to relieve manufacturers of regulatory burdens where there is minimal risk that an equipment will cause interference to TV and radio communications.

DATES: Comments on this proposal are requested by October 5, 1984 and reply comments are requested by October 22, 1984.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Julius P. Knapp, Federal Communications Commission, Office of Science and Technology, 2025 M Street, NW., Washington, DC 20554, Phone: (202) 653-8247.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 15

Computing device, Labeling, Reporting and recordkeeping requirements, Harmful interference, Communications equipment.

Proposed Rule Making

In the matter of amendment of the exemptions in Subpart J of Part 15 of the Commission Rules for controlling the interference potential of computers and similar electronic equipment, Gen Docket No. 84-801, RM-4246.

Adopted: August 13, 1984.
Released: August 21, 1984.

By the Commission: Commissioner Rivera absent.

1. The Commission has before it a petition from Electronics Associates Inc., hereinafter EAI, seeking relief from the regulations in Part 15, Subpart J, which govern the interference potential of digital electronic computing devices, for two models of its computers: EAI model 1000 and EAI model 2000. The petition, designated RM-4246, was put on public notice and comments were received from Perkin Elmer Corporation supporting the EAI petition and from the Association of Maximum Service Telecasters generally opposing the EAI petition.

2. The EAI model 1000 is manufactured in Australia by a wholly owned subsidiary of the petitioner. It is sold in the USA in quantities of less than 10 units per year primarily to educational institutions. The EAI model 2000 is primarily located in large industrial complexes where it is used to make engineering evaluations of the equipment being produced by simulating certain aspects of the product. This model was introduced in 1977 and is now nearing the end of its life cycle according to EAI, who estimates a total world-wide annual sale of about 10-20 units for the next few years. EAI reports that to date a total of 181 units have been sold worldwide, most going to U.S. Government installations and to foreign customers.[1] Only 46 units (25%) have been sold to nongovernment customers in the USA.

3. Both the models 1000 and 2000 are called hybrid computers, since they combine digital and analog processes. Both are subject to the Commission's Rules for computing devices in Part 15, Subpart J.[2] The computer rules were adopted in 1979 to control a rising incidence of interference from computers and similar electronic devices—both those used in the home and in business/industry. A final compliance date of October 1, 1983 was set which required that all computers manufactured thereafter comply with these rules. Five categories of equipment are specifically exempted from the technical requirements, which can be summarized as follows: Equipment used in transportation vehicles; electronic control or power systems utilized by a public utility or in an industrial plant; test equipment; appliances; and, professional type medical equipment. Although exempt equipment is not subject to technical standards, in the event that the equipment causes harmful interference the operator is responsible to correct the interference, pursuant to 47 CFR 15.803.[3]

4. To relieve the regulatory burden on its equipment, EAI petitioned for two additional exemptions to those already in § 15.801(c). The first is for computing devices sold in unit quantities of 300 or less per year. The second is for computing devices used in engineering and scientific development facilities. Its request is based on the firm's two models described above, viz., EAI model 1000 and EAI model 2000. It argues that the computers are large and in many cases require subsystems supplied to EAI by others before the computer can be tested. As a result, the firms says it is extremely costly and in some cases actually impossible to test its computers on an open field test site. Nor is it practical to test such a hybrid system at the customer's premises, since the testing would have to be done in a high noise environment.[4] It also argued that since the computing device rules apply only to a portion of its equipment, the firm would be required to implement major design changes for that portion sold to non-government entities—a procedure which EAI considers economically unacceptable. EAI, unfortunately, did not submit information or data regarding costs, expected delays, etc. to support its contention. Nor, did it state why the number 300 was chosen. EAI presents no data relevant to the question of interference. The petitioner merely states in general terms that its computers are well buffered from other spectrum users, implying that because its computers are so located, interference will not arise.

Comments on EAI Petition

5. Perkin-Elmer Corp. joins EAI in its argument that it is not feasible to make the detailed measurements required for verification of computers built in small quantities, and stresses that this is an even more serious question when dealing with custom built or one-of-a-kind computing equipment. Perkin-Elmer also raises the question of how to treat older systems which are reordered from time to time by its customers. Thus, Perkin-Elmer supports the EAI proposals, but leans more toward a less rigorous enforcement of the October 1,

[1] Computers sold to the U.S. Government or any of its agencies and computers manufactured for export are exempt from the FCC marketing regulations by statute, 47 U.S.C. 302(c). See 47 CFR 2.807(d).

[2] Computing device is defined in § 15.4(m) of the Rules, which basically includes any electronic device, e.g. computer, that uses digital techniques. Computing devices have an electronic frequency generator, called a clock oscillator, to control the timing of events in the computer, that can and does radiate and cause harmful interference to radio communications, if not properly controlled.

[3] For a more complete explanation of the Computing Device Rules, see Bulletin OST-62, "Understanding FCC Rules for Computing Devices", which is available from the FCC Consumer Assistance Office.

[4] Testing at the customer's site is permitted under 47 CFR 2.806, promulgated by the Commission by *Report and Order* in General Docket 81-463, adopted March 11, 1982, 46 FR 43709, April 1, 1982.

1983 compliance date, urging the Commission to be lenient in granting waiver requests. The Association of Maximum Service Telecasters (MST) points out that EAI has not provided any information as to the total number of computing devices that would be exempt, their distribution, or their interference potential. MST contends that this lack of information makes it impossible to assess the public interest aspects of the proposed amendment. MST urges the Commission to defer action on the EAI petition until such information is made available and can be evaluated. No reply comments were received.[5]

Discussion

6. Before addressing the merits of the subject pleading, we would like first to emphasize that we have in fact designed the computing device rules to be of minimal burden to manufacturers, both large and small alike. Most computer equipment, including the EAI equipment, is subject only to verification of compliance. Verification merely requires that the manufacturer perform measurements to determine compliance with the technical standards, place a label on the product, insert information in the instruction manual, and retain a copy of the verification records in the company's file. No submittal to the Commission is required. Only personal computer equipment is subject to FCC certification, a procedure which requires the manufacturer to submit a written application for Commission review and approval. Details on the verification and certification procedures are set forth in Part 2, Subpart J of the Rules. Verification, or certification, as the case may be, is a prerequisite to legal marketing of the equipment pursuant to the marketing rules in Part 2, Subpart I.

7. In addition, as mentioned above, we have temporarily exempted certain categories of equipment from these rules. The circumstances surrounding each exemption is not the same in each case; but, in general, our decision to exempt an equipment was guided by evidence indicating that the risk of interference was minimal and that the cost of compliance with a specific emanation requirement would be high. In the instant situation, while we agree with MST that the petition has presented very little information as to the interference risk associated with the requested exemption, it has triggered a general concern about how the computing device rules impact manufacturers of large specialty one-of-a-kind equipment. The Commission is particularly concerned about the impact the rules have on a small manufacturer of this equipment. For example, testing is a major concern for a small manufacturer, since, in most cases it must contract someone else to do the testing for it at the customer's site. On the other hand, before an additional exemption can be considered, the interference potential of such systems must be considered.

8. The interference potential of such equipment may be discussed from several viewpoints. First, if we assume that the exemption is properly worded so that it includes only large one-of-a-kind equipment or large specialized scientific equipment, the number of equipment could be assumed to be relatively small. Second, the location of this type of equipment is expected to be in industrial areas, universities or research laboratories, where the equipment is likely to be remote from communication and broadcast receivers. Two questions arise. How far will such equipment be from receivers? How many one-of-a-kind equipment may be involved? Unfortunately, we do not know the answers to these questions without data from industry. The Commission can only estimate that the actual number and location of the equipment will be low and sufficiently remote. Assuming this to be the case, it may be more cost-effective and beneficial to the public to risk some interference from such equipment and to correct interference on an individual basis. Considering then the four above mentioned factors (location, number of units, risk, and the potential benefit), it may be advantageous to consider a proposal to add another exemption to § 15.801(c) for large specialized equipment.[6]

9. Considering the above discussion, we are proposing herein to add an exemption for large, essentially one-of-a-kind equipment or large multi-system equipment built in quantities of ten or less. We reject the suggestions made by EAI and Perkin Elmer to exempt equipment built in quantities of less than 300 and 50, respectively, since these numbers seem to be unreasonably high. To reduce the risk of interference, the exemption must be limited to a small number of essentially large one-of-a-kind type of equipment. Also, by keeping the number small, the potential for abuse of the exemption will be reduced. However, the number ten is not a magic number either and we seek comments to the question of: "What is an appropriate number of large special purpose equipment to exempt?" We also solicit comments to the question of "How can we best define the equipment to be exempted?" At the present time, it is not clear to us how this exemption can be written, so that the number of services is limited. We are concerned that unless an adequate definition can be written, abuse of the exemption or a flood of requests for interpretations may be the result. Neither situation would be acceptable. We solicit comments on how best to define the equipment under the exemption.[7]

10. An alternative to the exemption, which was mentioned by Perkin-Elmer, is to develop a streamlined procedure for granting waivers. Normally, a waiver takes three months to be acted upon. Perkin-Elmer is requesting that the procedure be streamlined so that waivers could routinely be acted upon by the staff. While such a procedure has some appeal, the same criteria for limiting such waiver requests could also be applied to an exemption. An appropriately defined exemption, if it can be written, would avoid burdening the Commission with handling a multitide of individual requests. For these reasons, we are not inclined to favorably consider a streamlined waiver procedure at this time. Comments on this idea are solicited however.

11. We are also proposing to clarify the exemption in § 15.801(c)(3) for industrial, commercial, and medical test equipment. From the letters we have received inquiring about the computing device rules, there appears to be some

[5] On April 26, 1984, Cray, Inc. filed a separate petition for rulemaking to exempt specialized scientific computing devices. The petition, RM-4797, was put on public notice on May 14, 1984. The exemption requested by Cray is virtually identical to that requested by EAI. A similar request was also filed by Denelcor, Inc. on May 3, 1984 also seeking to exempt specialized scientific computing devices. The latter petition, RM-4816, was placed on public notice on June 29, 1984. Upon receipt of comments and replies on both of these new petitions, we will decide what action is appropriate. We have elected to move forward based on the EAI petition rather than delay this matter any further. However, it appears that the concerns voiced by Cray and Denelcor are addressed herein.

[6] This proposal is not without risks. A certain number of one-of-a-kind equipment may in fact be located near a sensitive receiver system. Without proper safeguards, harmful interference may occur. Locating interference sources is also a difficult and burdensome task. However, the risks here seem minimal and without a detailed interference study, which is difficult if not impossible to obtain, we are inclined to put forth this proposal and solicit comments.

[7] For the purposes of this proposed exemption, computer systems which differ only insofar as identification, application, (e.g. analyzing one type of data vs. another), or the number and/or types of peripherals and other accessories, will be counted as the same system. Systems unexpectedly produced beyond 10 are not exempt and are subject to the pertinent requirements.

confusion about the terms in front of test equipment [8]. The exemption was originally intended to cover equipment used to measure electrical parameters in the industrial, commercial and medical environment, such as oscilloscopes, counters, etc. At the time the exemption was proposed in 1976, it was believed that such equipment would be utilized by technicians who would be capable of correcting interference problems should they occur. It is now apparent that unskilled individuals are using test equipment in all environments, including in the home. We, therefore, solicit comments about whether the Commission should delete the exemption or merely limit the exemption to test equipment intended for use in scientific and university laboratories, as requested by Perkin-Elmer and EAI. We have proposed the latter, but invite comments on these questions.

12. The text of the proposed rules can be found in the appendix to this Notice. It is emphasized that we also seek answers to the questions raised herein.

13. Perkin-Elmer, in its comments, also requests that there should be some provisions for allowing older non-compliant systems that may be reordered by a customer. We are not inclined to go along with this request, since the Commission has allowed industry four years to bring such equipment into compliance and to permit the continuation of older equipment would extend the previous unsatisfactory situation. We do, however, invite comments on this suggestion by Perkin-Elmer.

Procedural Matters

14. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, the Commission issues the following initial regulatory flexibility analysis:

I. Reason for action

This proceeding is in response to a petition for rulemaking requesting that certain equipment be made exempt from the FCC radio noise requirements for computing devices.

II. The objective

The Commission is proposing to exempt large equipment produced, imported, or marketed in quantities of 10 or less and equipment used in scientific laboratories from complying with the specific emanation limits and labeling requirements being imposed on most other computing devices. The objective is to reduce the burden of these rules on manufacturers whether there appears to be little risk that the equipment will cause substantial interference.

III. Legal basis

The action proposed is in furtherance of sections 4(i), 302(a), 303(g), and 303(r) of the Communications Act of 1934, as amended, which permit the Commission to make reasonable regulations governing the interference potential of radio frequency equipment and to promote the larger and more effective use of radio in the public interest.

IV. Entities affected; nature of economic impact; significant alternatives

The rules proposed in this Notice will relieve a regulatory burden for certain types of computer equipment, as noted in paragraph II above. This action is expected to have an economically beneficial effect on computer manufacturers, particularly small manufacturers. However, we currently do not know exactly how many small businesses will be included among these firms. No significant alternatives are apparent at this time.

V. Recording, record-keeping and other compliance requirements

This proposal seeks to remove record-keeping and other compliance requirements that presently apply to the subject computer equipment. The exempt equipment would be subject only to a general proscription against causing harmful interference.

15. For the purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time that a Public Notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is issued by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits an oral *ex parte* presentation, addressing matters not fully covered in any previously filed written comments for the proceeding, must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state the docket number of the proceeding to which it relates. See § 1.1231 of the Commission's rules, 47 CFR 1.1231.

16. As required by section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis of the expected impact of these proposed policies and rules on small entities. The initial analysis is set forth in paragraph 11. Written public comments are requested on the initial analysis. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601, *et seq.*).

17. Authority for issuance of this *Notice* is contained in sections 4(i), 302, 303(g) and 303(r) of the Communications Act of 1984, as amended. In accordance with the applicable procedures set forth in § 1.415 of the regulations, interested persons may file comments on or before October 5, 1984, and reply comments on or before October 22, 1984. All relevant and timely comments will be considered. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. A summary of these Commission procedures governing *ex parte* presentations in informal rule making is available from the Commission's Consumer Assistance Office, Washington, D.C. 20554.

18. In accordance with the provisions of § 1.419 of the regulations, an original and five copies of all comments, reply comments, briefs, and other documents shall be furnished to the Commission. To obtain the widest possible response in this proceeding, informal comments (without extra copies) will be accepted, but these comments should make specific reference to this proceeding. Responses will be available for public inspection during regular working hours in the Commission's Public Reference Room located at its headquarters at 1919 M Street, NW., Washington, D.C. 20554. For further information concerning this

[8] To date the Commission has received approximately 1000 letters inquiring about various aspects of the computing device rules 47 CFR Part 15, Subpart J.

proceeding, contact Mr. Julius P. Knapp (202) 653–8247.

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

Federal Communications Commission

William J. Tricarico,
Secretary.

Appendix

Section 15.801 of the FCC Rules, 47 CFR 15.801, is proposed to be amended by revising the present text of paragraph (c)(3) and adding a new paragraph (c)(6) to read as follows:

§ 15.801 Scope of this Subpart

* * * * *

(c) Pending the resolution of the proceeding in FCC Docket No. 20780 and related proceedings dealing with restricted radiation and computing devices, the following computing devices remain subject to Section 15.803 but are exempt from complying with other requirements of this subpart.

* * * * *

(3) Test equipment and equipment intended for exclusive use in scientific laboratories, including university laboratories.

* * * * *

(6) Large multi-system equipment produced imported, or marketed in quantities of 10 or less per year. For purposes of this exemption, computer systems which differ only insofar as identification, application, or the number and/or types of peripherals and other accessories, will be counted as the same system. Systems unexpectedly produced beyond 10 are not exempt and are subject to the pertinent requirements.

* * * * *

[FR Doc. 84–23030 Filed 8–29–84; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[Docket No. 16041; RM–571; Docket No. 18927; RM–1525; FCC 84–402]

Amendment of the Commission's Rules With Respect to Television Network Programs Not Made Available to Certain Television Stations; and Amendment of the Commission's Rules to Limit Television Stations' Access to the Programs of More Than One National Network

AGENCY: Federal Communications Commission.

ACTION: Proposed rules; termination of proceedings.

SUMMARY: This action terminates two pending rule making proceedings (Docket Nos. 16041 and 18927) which generally concerned the availability of network programs to independent stations and "small" television markets. Given the absence of any indication that current network practices are inadequate with respect to our initial concerns and the staleness of the records in these proceedings, the Commission found that termination of the subject proceedings without further action was warranted.

FOR FURTHER INFORMATION CONTACT: Thomas S. Walsh, Mass Media Bureau, (202) 632–7792.

Order (Proceedings Terminated)

In the matter of [1] amendment of Part 73 of the Commission's Rules with respect to television network programs not made available to certain television stations; Docket No. 16041, RM–571 and amendment of § 73.658 of the Commission's Rules to limit television stations' access to the programs of more than one national network; Docket No. 18927, RM–1525.

Adopted: August 17, 1984.

Released: August 20, 1984.

By the Commission: Commissioner Rivera absent.

1. The Commission has before it two proceedings, both of which generally concern the availability of network television programs to independent stations. This *Order* concludes these proceedings.

2. *Docket No. 16041.* This proceeding was begun by a *Notice of Proposed Rule Making and Notice of Inquiry* released on June 9, 1965.[2] The proceeding was divided into two parts: (1) Proposed rules designed to make programs not cleared by regular affiliates available to other stations in the same market; and (2) a proposed rule, and a *Notice of Inquiry,* concerning the provision of network programs to "small markets."

3. Comments were filed late in 1965 and the reply comment period closed on January 3, 1966. On March 25, 1970, a *Notice and Order Setting Oral Argument* [3] was issued and oral argument was held on April 30, 1970. A *Report and Order* in response to the various comments and pleadings was adopted on December 19, 1970.[4]

4. In that *Report and Order,* the Commission stated its continued concern with network performance in making programming widely and equitably available. Regarding the availability of uncleared network programming, the Commission expressed a particular interest in: (1) The compensation received by independent stations carrying network programs; (2) the adequacy of notice that such programs will be available; (3) the availability of "special" programs uncleared by regular affiliates; and (4) programming "recapture" (i.e., withdrawal of network programs) policies.[5] With respect to the provision of network programming to small markets, the Commission expressed a concern that the networks improve the availability of such programming.[6]

5. In lieu of adopting rules in response to these concerns, the Commission elected to seek specific information regarding voluntary network practices in these areas. Accordingly, the networks were directed to report to the Commission by June 30, 1971, on their policies and practices related to the issues addresseed in the proceeding. The record was kept open for receipt of this information, which was timely filed by each network. No subsequent comments or pleadings have been received in this proceeding which indicate to the Commission that network practices, as they relate to our initial concerns, are inadequate. Given these facts and the staleness of the record now before us, we believe it is appropriate to terminate this proceeding without further action.

6. *Docket No. 18927.* This proceeding was begun by a *Notice of Inquiry and Notice of Proposed Rule Making* adopted on July 22, 1979.[7] While this rule making also addressed the availability of network programming, it did so in a much narrower context than the proceeding in Docket No. 16041. Specifically, it was directed to the need for rules restricting affiliated stations from carrying the programs of more than one national network in certain three-station markets. We were particularly concerned with markets comprised of two VHF affiliates and a UHF independent station and the impact that multiple network programming by the affiliates would have on the likelihood of affiliation opportunities for the UHF facility. The Commission also inquired whether regulatory intervention was advisable with respect to other market

[1] Although these proceedings have not been officially consolidated by the Commission, they address related concerns and, therefore, are being considered together in this *Order.*

[2] FCC 65–484, 30 7666 (June 12, 1965).

[3] FCC 70–309, 35 FR 5416 (April 1, 1970).

[4] 26 F.C.C. 2d 772.

[5] *Id.* at 784.

[6] *Id.* at 794.

[7] FCC 70–801, 35 FR 12133 (July 29, 1970).

types and whether, generally, we should act to further the availability of network programming in small markets.

7. Comments and informal filings were received and a *Report and Order* was adopted on March 24, 1971.[8] In that *Report and Order*, specific rules addressing the principal issues raised in this proceeding were adopted and remain in force today.[9] Various petitions for reconsideration and related pleadings were timely filed in connection with this *Report and Order* and were addressed in a *Memorandum Opinion and Order* adopted July 28, 1971.[10] No comments or other submissions have been filed in this proceeding since 1971. As with Docket No. 16041, the record in this proceeding is now stale and we have no indication that additional Commission action is necessary or appropriate with respect to the matters initially considered in our *Notice*. We conclude, therefore, that the proceeding in Docket No. 18927 should also be terminated.

8. Accordingly, it is ordered, that the above-captioned proceedings are terminated.[11]

9. Authority for the actions taken herein is contained in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

10. For further information concerning this proceeding, contact Thomas S. Walsh, Mass Media Bureau, (202) 632-7792.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 84-23029 Filed 8-29-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-09; Notice 15]

Child Restraint Systems for Use in Motor Vehicles and Aircraft

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Federal Motor Vehicle Safety Standard No. 213, *Child Restraint Systems*, to specify more objective criteria for the testing procedures and determining compliance with the inversion requirement specified in this standard. The inversion test has been added to the standard in a final rule published in today's edition of the **Federal Register**, and is an optional requirement with which compliance must be certified if a child restraint manufacturer wishes to certify its restraints for use in both motor vehicles and aircraft. The more objective criteria proposed in this notice for the inversion requirement are the procedures actually used by this agency and the Federal Aviation Administration (FAA) in a recently completed joint testing program, in which each model of child restraint currently manufactured was tested for compliance with the inversion requirements. All of these models passed this requirement.

DATES: Comments must be submitted not later than October 15, 1984. The proposed effective date for these amendments is 180 days after the publication of the final rule in the **Federal Register**.

ADDRESS: Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (Docket hours are 8:00 a.m. to 4:00 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Vladislav Radovich, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: In today's edition of the **Federal Register**, NHTSA has published a final rule amending the requirements of Standard No. 213, *Child Restraint Systems* (49 CFR 571.213). That final rule allows the manufacturers of child restraint systems to certify their products for use in motor vehicles, as has always been required under the standard, or to certify the systems for use in both motor vehicles and aircraft. This latter option is now available as a result of an agreement between NHTSA and the FAA to simplify and expedite the process for certifying child restraints for use in both motor vehicles and aircraft.

To carry out the intent of this agreement, a notice of proposed rulemaking (NPRM) on this subject was published at 48 FR 36849, August 15, 1983. The NPRM proposed combining the existing requirements for certifying child restraints for use in motor vehicles (Standard No. 213) with the existing requirements for certifying child restraints for use in aircraft (FAA's Technical Standard Order C100) and adding one additional test to certify child restraints for use in aircraft. The FAA agreed that it would rescind its Technical Standard Order applicable to child restraints for use in aircraft when a final rule was effective specifying requirements for certifying child restraints for use in aircraft under Standard No. 213.

After publication of this NPRM, NHTSA and FAA conducted a joint testing program to encourage child restraint manufacturers to certify their restraints for use in both motor vehicles and planes. The program tested every currently manufactured model of child restraint for compliance with the requirements proposed in the NPRM for certifying child restraints for use in aircraft and every model passed.

As a result of this testing program and the comments received in response to the NPRM, NHTSA decided not to adopt two of the three performance tests formerly specified in the FAA's Technical Standard Order and the one additional test proposed to be added for child restraints to be certified for use in aircraft. Those requirements were judged to be either redundant of existing requirements in Standard No. 213's tests for restraints to be certified for use in motor vehicles or unnecessary to ensure adequate safety protection for children riding in aircraft. For a more in-depth discussion of these issues, readers are referred to the preamble of the final rule.

The inversion test was the one additional performance test which NHTSA deemed necessary to determine if a child restraint would offer adequate protection for its occupant while riding in aircraft. The language specifying the procedures to be followed in conducting the inversion test and in determining that a particular child restraint had passed the test was drawn almost verbatim from paragraph (a)(2)(ii) of FAA's Technical Standard Order C100. For the testing, the rule specified that the combination of a representative aircraft passenger seat, child restraint system and an appropriate test dummy must be rotated from a normal upright position to an inverted position, and remain inverted for at least 3 seconds. The combination is required to be rotated in both the forward direction and a sideward direction. Satisfactory performance is achieved if "neither failure nor deformation that could seriously injure or prevent subsequent extrication of a child occupant" is shown for the child restraint system being tested.

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[8] 28 F.C.C. 2d 169.

[9] *See* 47 CFR 73.658(1).

[10] 31 F.C.C. 2d 87.

[11] In the event interested parties believe that further Commission action is warranted with respect to the matters considered in the captioned proceedings, they may file appropriate petitions for rule making.

The commenters who addressed the issues raised by the proposed inversion test generally agreed that such a test was appropriate. They said that the test would not be duplicative of the tests prescribed in Standard No. 213 for child restraints for use in motor vehicles and that the test would measure the child restraint's ability to protect occupants against a hazard which is presented while traveling in aircraft.

However, the commenters questioned the particular inversion test set forth in the NPRM. Most commenters addressing this proposed test stated that it was crucial to specify the rate at which the child restraint is to be rotated to an inverted position. One commenter went so far as to opine that, absent a specified rate of rotation, almost any existing child restraint could be made to pass this test simply because of frictional resistance and the stiffness of the dummies. Another commenter presented a detailed list of possible ambiguities in the test conditions specified in the NPRM for this inversion test.

These commenters also addressed the criteria used to determine if a child restraint has performed satisfactorily during the inversion test. Some child restraint manufacturers asked precisely how anyone could determine if a restraint has "failed or deformed in a manner that could seriously injure or prevent subsequent extrication of a child occupant." Another commenter opined that these criteria are "so vague and subjective as to be of no substantive value whatsoever." A different commenter stated that the proposed criteria were not objective, and therefore NHTSA lacked authority to adopt such criteria in a Federal motor vehicle safety standard. In reaching this conclusion, this commenter noted that section 102(2) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391(2)) requires motor vehicle safety standards to provide "objective criteria."

After reviewing both the proposed criteria drawn from the FAA's Technical Standard Order and the comments, NHTSA concluded that more objective criteria should be specified for the new inversion test in Standard No. 213. However, the rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) precluded the agency from adopting more objective criteria for the inversion test in the final rule published today. This is because 5 U.S.C. 553 requires that interested persons receive notice of proposed rulemaking, and that such notice shall include either the terms or substance of the proposed rule or a description of the subjects and issues involved. For example, NHTSA agrees that the rate of rotation of this representative aircraft seat is a crucial aspect of the inversion test. However, no particular rate of rotation was specified in the NPRM. Thus, the public was not put on notice that NHTSA was considering requiring a specific rotation rate of "x" degrees per second, and not "y" or "z" degrees per second. If the final rule were to adopt a rotation rate of "x" degrees per second, the public would have never received notice and an opportunity to comment on the merits of the "x" degree per second rotation rate. Accordingly, the final rule published today adding the optional inversion test for child restraint systems does not include a specific rotation rate. Instead, the rule adopts the language proposed for that test in the NPRM.

However, as noted above, NHTSA agrees with the commenters that more objective criteria should be specified for the inversion test. This notice proposes more objective criteria and gives the public an opportunity to comment on them.

One commenter suggested that NHTSA adopt the requirements of European Regulation ECE 44 (Restraining Devices for Child Occupants of Power-Driven Vehicles) relating to overturning, for the inversion test. The commenter noted that the adoption of these requirements might permit the international use of child restraint systems. Since NHTSA is interested in promoting the international harmonization of requirements, this comment was carefully considered. It was not ultimately selected for inclusion in this notice, however. European Regulation ECE 44 specifies a rate of rotation of 2 to 5 degrees per second. NHTSA has tentatively concluded that this rotation is too slow to be representative of the sudden pitches which can occur when aircraft encounter air turbulence.

This notice proposes to establish the criteria used in the joint testing program for the inversion test as the criteria to be followed for the inversion test in Standard No. 213. Before starting the joint testing program for evaluating each model of child restraint currently manufactured, NHTSA and FAA agreed on more objective criteria to be used for the inversion test. Both agencies believed the criteria used in the joint testing program were consistent with the language of the NPRM. As noted above, each model of child restraint currently certified as complying with Standard No 213's requirements for child restraints for use in motor vehicles passed this inversion test.

To begin the inversion test proposed in this notice, a representative aircraft seat must be set in the normal upright position. The normal upright position means the same seat adjustment position and the same horizontal and vertical orientation as shown for the seat in a new Figure 6. This Figure 6 is a copy of the FAA Drawing Package SAS–100–2000, which is referenced as a source showing a representative aircraft seat in the final rule adding the inversion test to Standard No. 213. By incorporating the Drawing Package in Standard No. 213, NHTSA intends to make it simpler to determine compliance with the inversion test.

The child restraint to be tested is attached to the representative aircraft seat using only an FAA approved aircraft safety belt. The test dummy is placed in the child restraint according to the provisions of section S6.1.2.3. The combination of the aircraft seat, child restraint, and test dummy is then rotated forward 180 degrees, at a rate of 35 to 45 degrees per second, around a horizontal axis that is contained in the median transverse vertical plane of the seating surface portion of the aircraft seat and is located one inch below the bottom of the seat frame, and held in the inverted postion for three seconds. The child restraint is deemed to have passed this test if the child restraint does not fall out of the aircraft safety belt and if the test dummy does not fall out of the child restraint. By a forward rotation, NHTSA means that the top of the transverse vertical plane shall rotate forward and down around the horizontal axis 180 degrees, i.e., until that plane has been inverted.

The dummy is then removed from the child restraint and the child restraint is removed from the representative aircraft seat. Both are again positioned as they were for the forward rotation part of the inversion test. This time, the combination of the aircraft seat, child restraint, and test dummy is rotated 180 degrees to the side, at a speed of 35 to 45 degrees per second, around a horizontal axis that is contained in the median longitudinal, vertical plane of the seating surface portion of the aircraft seat and is located one inch below the bottom of the rearmost lower edge of the seat frame, and held in the inverted position for three seconds. Compliance is determined using the same criteria specified above for the forward rotation test. The rotation around the horizontal axis may be either to the right or to the left.

The agency wishes to emphasize that the criteria for judging compliance require only that neither the child restraint completely fall out of the aircraft seat nor the test dummy fall completely out of the child restraint. These criteria for judging compliance are fully consistent with statutory requirement of objectivity because the criteria are dependent upon simple visual observation, there is no room for disagreement concerning the results, and they are not dependent upon the subjective opinions of human beings.

This notice also proposes to clarify the requirement that child restraint manufacturers which certify restraints for use in aircraft must provide instructions for using the restraints in aircraft seats. This requirement is currently implicit in the language of section S8.2 of Standard No. 2132, which specifies that placement of the restraint in the aircraft seat and placement of the test dummy in the child restraint shall be in accordance with the manufacturer's instructions. However, the agency believes that this requirement should be made more explicit. Accordingly, this notice proposes that each child restraint system for use in aircraft shall be accompanied by printed instructions in the English language that provide a step-by-step procedure for placing the restraint system on an aircraft seat, securing the restraint to the aircraft seat, positioning a child in the restraint, and adjusting the system to fit the child.

The final change proposed in this notice is simply a more convenient way of showing a representative aircraft passenger seat to the readers of Standard No. 213. The final rule published today refers to Drawing No. SAS–100–2000 as showing an illustration of a representative aircraft passenger seat. Any interested person can examine and copy that drawing in NHTSA's Technical Reference Library. However, the drawing is simple enough that the agency believes it could be incorporated into the standard. Accordingly, this notice proposes to add a new Figure 6 to Standard No. 213. This new Figure 6 is just a copy of Drawing No. SAS–100–2000, so that the reader will not have to take the further step of looking for that drawing in the Technical Reference Library. Since this is a copy of the drawing, adopting this proposed amendment would not change the requirements of Standard No. 213 in any respect.

The NHTSA has analyzed this proposal and determined that it is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of the Department of Transportation regulatory policies and procedures. If adopted, these amendments would simply clarify the testing procedures to be followed for child restraint systems which the manufacturer chooses to certify for use in aircraft. No additional requirements are imposed for restraints to be certified for use in aircraft. Instead, these amendments clarify how that optional testing should be conducted. Since the impacts would be minimal, a full regulatory evaluation has not been prepared.

In accordance with the Regulatory Flexibility Act, the NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the proposed amendments to Standard No. 213 would not have significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. This certification is based on the discussion above pursuant to Executive Order 12291; that is, these amendments only clarify the existing requirements without adding any further requirements. Thus, there would be no impact on child restraint manufacturers nor on any small organizations and governmental units which purchase child restraints.

Finally, the agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that this proposed rule would not significantly affect the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. (49 CFR 553.21) Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In consideration of the foregoing, it is proposed that 49 CFR Part 571, § 571.213, be amended to read as follows:

1. Paragraph S4 would be amended by revising the definition of "representative aircraft passenger seat" to read as follows:

"Representative aircraft passenger seat" means either a Federal Aviation Administration approved production aircraft passenger seat or a simulated aircraft passenger seat conforming to Figure 6.

2. Paragraph S8 would be revised to read as follows:

S8. *Requirements, test conditions, and procedures for child restraint systems manufactured for use in aircraft.*

Each child restraint system manufactured for use in both motor vehicles and aircraft must comply with all of the applicable requirements specified in section S5 and with the additional requirements specified in S8.1 and S8.2.

S8.1 *Installation instructions.* Each child restraint system manufactured for use in aircraft shall be accompanied by printed instructions in the English language that provide a step-by-step

procedure, including diagrams, for installing the system in aircraft passenger seats, securing the system to the seat, positioning a child in the system when it is installed in aircraft, and adjusting the system to fit the child. In the case of each child restraint which is not intended for use in aircraft at certain adjustment positions, the following statement, with the manufacturer's restrictions inserted, shall be included in the instructions.

DO NOT USE THE —— ADJUSTMENT POSITION(S) OF THIS CHILD RESTRAINT IN AIRCRAFT.

S8.2 *Inversion test.* When tested in accordance with S8.2.1 through S8.2.5 and adjusted in any position which the manufacturer has not, in accordance with S8.1, specifically warned against using in aircraft, each child restraint system manufactured for use in aircraft shall meet the requirements of S8.2.1 through S8.2.5.

S8.2.1 A representative aircraft passenger seat shall be positioned and adjusted so that its horizontal and vertical orientation and its seat back angle are the same as shown in Figure 6.

S8.2.2 The child restraint system shall be attached to the representative aircraft passenger seat using only a Federal Aviation Administration approved aircraft safety belt, according to the restraint manufacturer's instructions for attaching the restraint to an aircraft seat. No supplementary anchorage belts or tether straps may be attached; however, Federal Aviation Administration approved safety belt extensions may be used.

S8.2.3 In accordance with S6.1.2.3.1 through S6.1.2.3.3, place in the child restraint any dummy specified in S7 for testing systems for use by children of the heights and weights for which the system is recommended in accordance with S5.6.

S8.2.4 If approved, shoulder and pelvic belts that directly restrain the dummy shall be adjusted in accordance with S6.1.2.4.

S8.2.5 In the combination of representative aircraft passenger seat, child restraint, and test dummy shall be rotated forward around a horizontal axis which is contained in the median transverse vertical plane of the seating surface portion of the aircraft seat and is located one inch below the bottom of the seat frame, at a speed of 35 to 45 degrees per second, to an angle of 180 degrees. The rotation shall be stopped when it reaches that angle and the seat shall be held in this position for three seconds. The child restraint shall not fall out of the aircraft safety belt, nor shall the test dummy fall out of the child restraint at any time during the rotation or the three second period.

S8.2.6 Repeat the procedure set forth in S8.2.4. The combination of the representative aircraft passenger seat, child restraint, and test dummy shall be rotated sideway around a horizontal axis which is contained in the median longitudinal vertical plane of the seating surface portion of the aircraft seat and is located one inch below the bottom of the seat frame, at a speed of 35 to 45 degrees per second, to an angle of 180 degrees. The rotation shall be stopped when it reaches that angle and the seat shall be held in this position for three seconds. The child restraint shall not fall out of the aircraft safety belt, nor shall the test dummy fall out of the child restraint at any time during the rotation or the three second period.

3. A new Figure 6 would be added at the end of § 571.213, appearing as follows:

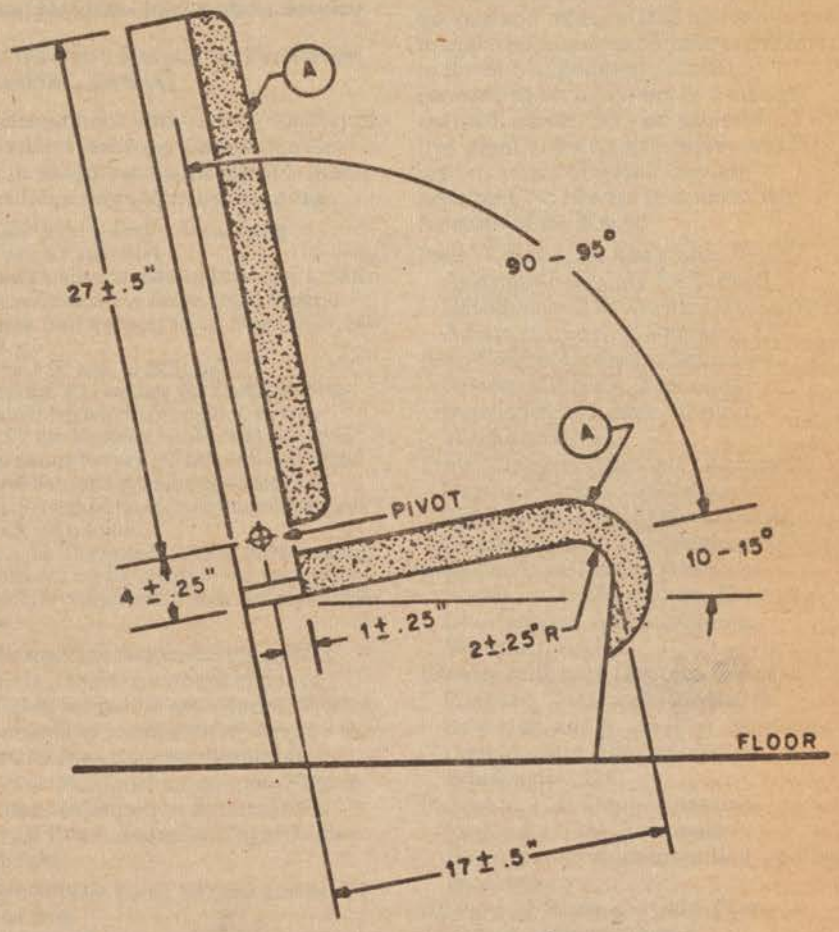


FIGURE 6: SIMULATED AIRCRAFT PASSENGER SEAT

"A" represents a 2- to 3-inch-thick polyurethane foam pad, 1.5–2.0 pounds per cubic foot density, over 0.020-inch-thick aluminum pan, and covered by 12- to 14-ounce marine canvas. The sheet aluminum pan is 20 inches wide and supported on each side by a rigid structure. The seat back is a rectangular frame covered with the aluminum sheet and weighing between 14 and 15 pounds, with a center of mass 13 to 16 inches above the pivot. The mass moment of inertia of the seat back is between 195 and 220 ounce-inch-second.[2] The seat back is free to fold forward about the pivot, but a stop

prevents rearward motion. The passenger safety belt anchor points are spaced 21 to 22 inches apart and are located in line with the pivot.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392 and 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

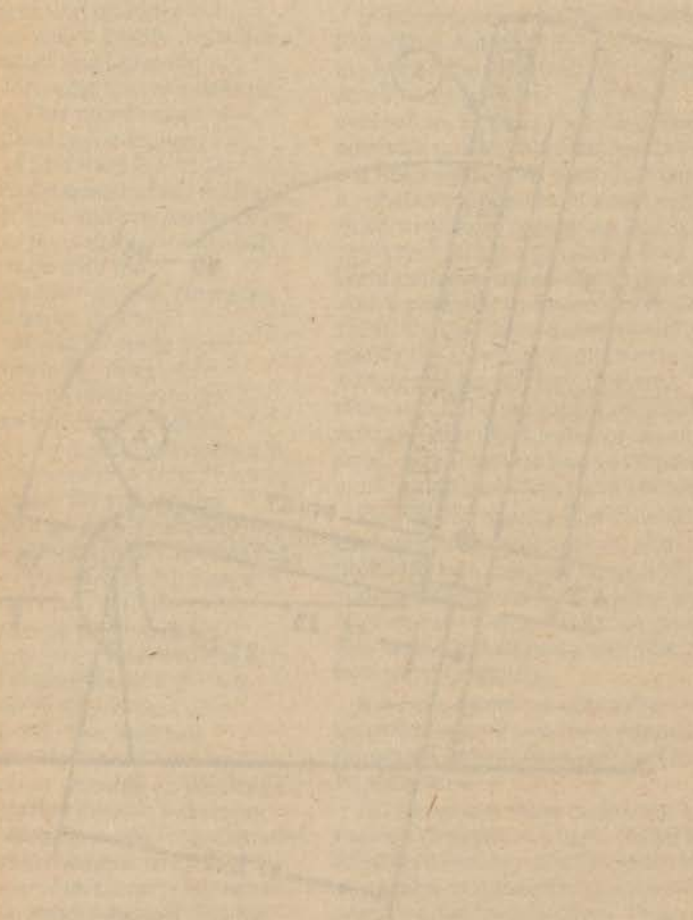
Issued on August 24, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84–22958 Filed 8–29–84; 8:45 am]

BILLING CODE 4910–59–M



Notices

Federal Register
Vol. 49, No. 170
Thursday, August 30, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Southwestern Region; North Kaibab Grazing Advisory Board; Meeting

The North Kaibab Grazing Advisory Board will meet at 1:00 P.M., Tuesday, October 2, 1984, at the Coconino County Building, Fredonia, Arizona. The purpose of this meeting is development of allotment management plans and utilization of Range Betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Kaibab National Forest, 800 South 6th Street, Williams, Arizona, 86046, telephone (602) 635–2681. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Those attending may express their views when recognized by the chairman.

Dated: August 24, 1984.

Leonard A. Lindquist,

Forest Supervisor.

[FR Doc. 84–23057 Filed 8–29–84; 8:45 am]

BILLING CODE 3410–11–M

Malheur National Forest Grazing Advisory Board; Meeting

The Malheur National Forest Grazing Advisory Board will meet at 7:00 p.m. on October 9, 1984 at Alec Gay Hall, 172 SE Dayton Street, John Day, Oregon 97845.

The purpose of this meeting is to discuss allotment management plans and expenditure of Range Betterment funds.

The meeting will be open to the general public. Persons interested in presenting a subject at the meeting may file a request and brief before the meeting with: Forest Supervisor, Malheur National Forest, 139 NE Dayton Street, John Day, Oregon 97845.

Written statements may be filed with the board or after the meeting.

Dated: August 15, 1984.

Kenneth L. Evans,

Forest Supervisor.

[FR Doc. 84–23099 Filed 8–29–84; 8:45 am]

BILLING CODE 3410–02–M

Human Nutrition Information Service

Joint Nutrition Monitoring Evaluation Committee, Meeting

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: Joint Nutrition Monitoring Evaluation Committee

Date: October 2, 1984 and October 3, 1984

Place: Conference Room 561A, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782

Time: 9:00 a.m. to 5:00 p.m.

Purpose: To evaluate the findings of the Nationwide Food Consumption Survey (NFCS), the National Health and Nutrition Examination Survey (NHANES), and other Federal nutrition monitoring efforts and develop a report on the nutritional status of the U.S. population.

Agenda: The agenda for the sixth meeting will include the following items: review text and charts completed to date and plan future work.

The meeting is open to the public. There is a limited amount of space available for public attendance. Written statements or comments of concern to the committee may be submitted to Isabel D. Wolf, Administrator, Human Nutrition Information Service, 6505 Belcrest Road, Room 360, Hyattsville, MD 20782.

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

Isabel D. Wolf,

Administrator.

[FR Doc. 84–23089 Filed 8–29–84; 8:45 am]

BILLING CODE 3410–KE–M

DEPARTMENT OF COMMERCE

Economic Development Administration

Redesignation and Membership Change of SES Performance Review/ Executive Resources Board

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Notice.

SUMMARY: The purpose of this notice is to document the designation of members on the Executive Resources and Performance Review Board (ERPRB). The purpose of the Board is to review performance agreements, performance appraisals and ratings, recommendations for certain personnel actions and other related materials, and to make appropriate recommendations to the SES appointing authority concerning such matters in a manner that will assure fair and equitable treatment of senior executives and the organizations of which they are members. No change is made to the function of the Board.

Paul W. Bateman, Chairman, Deputy Assistant Secretary for Economic Development, Economic Development Administration, Washington, D.C.

Alan Cecilio, Executive Secretary, Personnel Officer, Economic Development Administration, Washington, D.C.

Travis Dungan, Alternate Chairman, Deputy Assistant Secretary for Finance, Economic Development Administration, Washington, D.C.

John Corrigan, Deputy Assistant Secretary for Operations, Economic Development Administration, Washington, D.C.

Beverly Milkman, Director, Office of Planning, Technical Assistance, Research, and Evaluation, Economic Development Administration, Washington, D.C.

Robert M. Hill, Director, Seattle Regional Office, Economic Development Administration, Seattle, Washington

Edward M. Levin, Jr., Chief Counsel, Economic Development Administration, Washington, D.C.

Craig M. Smith, Director, Philadelphia Regional Office, Economic Development Administration, Philadelphia, PA

Otto Wolff, Deputy Assistant Secretary for Administration, Office of the Secretary, Washington, D.C.

Dated: August 17, 1984.

Paul W. Bateman,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 84–23039 Filed 8–29–84; 8:45 am]

BILLING CODE 3510–24–M

Foreign-Trade Zones Board

[Docket Nos. 35 and 36-84]

Foreign-Trade Zone 23, Erie County, NY; Applications for Subzones for Ontario Knife and Robinson Knife

Applications have been submitted to the Foreign-Trade Zones Board (the Board) by the County of Erie, New York, grantee of Foreign-Trade Zone 23, requesting special-purpose subzone status for the manufacturing facilities of Ontario Knife Company in Franklinville, New York, and those of the Robinson Knife Company in Springville, New York, both in the Buffalo Customs port of entry area.

The applications were submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). They were formally filed on August 22, 1984. The applicant is authorized to make this proposal under Chapter 201 of the Laws of New York, 1974, as amended by Chapter 60 of the Laws of New York, 1984. A POE adjacency issue regarding the Ontario Knife facility will be reviewed by the U.S. Customs Service.

The proposed subzone for Ontario Knife would be at the company's manufacturing plant covering 8 acres at Riggs and Empire Street, Franklinville, Cattaraugus County. The company produces professional knives and other cutlery employing 150 persons. Because of import competition, now at some 40 percent of the U.S. market, the company has indicated that unless it uses some lower-priced foreign stainless and carbon steel for its blades, either complete knives or blades would have to be imported in order to keep its market. The company also plans to increase its export sales.

The proposed subzone for Robinson Knife would be located at the company's manufacturing facilities covering 14 acres at Main and Carolina Streets in Springville, Erie County. The company and its on-site subsidiaries, Fiddlers Green Plastics and Griffon Cutlery Company, produce cutlery, kitchen tools, scissors and manicure sets. The company imports some finished cutler, scissors and most manicure implements and sets. It plans to produce more of the manicure implements and assemble the sets domestically using foreign components and domestic materials such as handles. There would also be a greater effort to export.

Zone procedures will exempt both companies from payment of duties on foreign material used in their exports. This is especially important to Ontario Knife which is planning a major expansion in Canadian and other foreign markets. On domestic sales, benefits include duty deferral and the ability to take advantage of the same duty rate available to importers of completed products. The duty rate on steel for knives to be used by Ontario Knife is 7.6 percent for carbon steel and 19.5 percent for stainless, whereas the duty for knives is 7 percent and knife blades is 3.6 percent. The duty rate for the manicure implements now imported by Robinson Knife is 11.9 percent, while the rate for manicure sets is 6.3 percent. The savings from zone procedures will help both companies reduce costs on products that are competing with products made abroad. Both plants are threatened with cutbacks in employment unless costs are reduced.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the applications and report to the Board. The committee consists of: Dennis Puccinelli (Chairman) Foreign-Trade Zone Staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Northeast Region, 100 Summer St., Boston, MA 02110; and Colonel Robert R. Hardiman, District Engineer, U.S. Army Engineer District Buffalo, 1776 Niagara St., Buffalo, N.Y. 14207.

Comments concerning the proposed subzones are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before September 29, 1984.

Copies of the applications are available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, 1312 Federal Bldg., 111 W. Huron Street, Buffalo, N.Y. 14202

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania, NW., Washington, D.C. 20230

Dated: August 24, 1984.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-23056 Filed 8-29-84; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

[A-475-401]

Certain Valves, Couplings, Nozzles and Connections, of Brass, Suitable for Use in Interior Fire Protection Systems, From Italy; Postponement of Final Antidumping Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from counsel for respondent in this investigation that the final determination be postponed, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A); and, that we have determined to postpone our final determination as to whether sales of certain valves, couplings, nozzles, and connections, of brass, suitable for use in interior fire protection systems, from Italy, have occurred at less than fair value, until not later than November 23, 1984.

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Julia E. Hathcox, 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) 377-0184.

SUPPLEMENTARY INFORMATION:

The Petition

On February 21, 1984, the Department of Commerce published notice in the **Federal Register** (49 FR 6396) that it was initiating under section 732(b) of the Act (19 U.S.C. 1673a(b)), and antidumping investigation to determine whether valves, couplings, nozzles and connections, of brass, suitable for use in interior fire protection systems, from Italy, were being, or were likely to be, sold at less than fair value. On July 10, 1984, we published a preliminary determination of sales at less than fair value with respect to this merchandise (49 FR 28083). The notice stated that if this investigation proceeded normally we would make our final determination by September 17, 1984.

Counsel for respondent in this case requested that we extend the period for the final determination until not later than November 23, 1984, 135 days after the date of publication of the preliminary determination, in accordance with section 735(a)(2)(A) of

the Act. Section 735(a)(2)(A) of the Act provides that the Department may postpone its final determination concerning sales at less than fair value until not later than 135 days after the date on which it publishes notice of its preliminary determination if the exporters who account for a significant proportion of the merchandise request an extension after an affirmative preliminary determination. Accordingly, we will issue a final determination in this case not later than November 23, 1984.

The date for the public hearing orginally scheduled for August 3, 1984 is being changed. We will hold a public hearing on September 10, 1984, at 10:00 a.m. in room 3708, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. This notice is published pursuant to section 735(d) of the Act.

Dated: August 20, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-23052 Filed 8-29-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-403]

Egg Filler Flats From Canada: Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of Initiation of Antidumping Duty Investigation.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether egg filler flats from Canada are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product materially injure, or threaten material injury to, a United States industry. If this investigation proceeds, normally, the ITC will make its preliminary determination on or before October 8, 1984, and we will make ours on or before January 10, 1985.

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Paul Aceto, 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) 377-3534.

SUPPLEMENTARY INFORMATION:

The Petition

On August 3, 1984, we received a petition in proper form filed by Keyes Fibre Company and Packaging Corporation of America on behalf of the U.S. industry producing egg filler flats. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitioners alleged that the imports of the subject merchandise from Canada 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) (the Act), and that these imports are materially injuring, or threaten material injury to, a United States industry. The petitioners based United States price on Canadian offers for sale to U.S. distributors, less amounts for freight, U.S. customs duties and commissions. Foreign market value was based on the ex-factory price charged for the product in the Canadian market. The home market price was then adjusted to reflect differences in sales unit sizes, since in the U.S. prices are quoted per thousand egg filler flats while in Canada they are quoted per "bundle" of 140 egg filler flats. A comparison of the United States price with the foreign market value yields an apparent dumping margin of 59.5%.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and whether it contains information reasonably available to the petitioners supporting the allegations. We have examined the petition on egg filler flats and we have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether egg filler flats from Canada are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by January 10, 1985.

Scope of Investigation

The product under investigation is molded pulp egg filler flats, measuring approximately 11½ inches square, as currently provided for under TSUSA item number 256.7000 ("articles of pulp, not including articles of paper and paperboard").

Notification to ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by October 8, 1984, whether there is a reasonable indication that imports of egg filler flats from Canada are materially injuring, or threaten material injury to, a United States industry. If its determination is negative, the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Dated: August 23, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-23053 Filed 8-29-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-565-401]

Initiation of Countervailing Duty Investigation: Certain Textiles and Textile Products From the Philippines

AGENCY: International Trade Administration, Import 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 producers, manufacturers, or exporters in the Philippines of certain textiles and textile products, 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 25, 1984.

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Melissa G. Skinner or Rick Herring, 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) 377-3530 or 377-0187.

SUPPLEMENTARY INFORMATION:

Petition

On August 2, 1984, we received a petition from the American Textile Manufacturers Institute (ATMI), the Amalgamated Clothing and Textile Workers Union (ACTWU), and the International Ladies' Garment Workers Union (ILGWU) on behalf of the domestic textiles and textile products industry. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, manufacturers, or exporters in the Phillipines of textiles and textile products receive, directly or indirectly, bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the "Act"). The Philippines 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 apply 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 these products 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 certain textiles and textile products and we have found that the petition meets these requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in the Philippines of certain textiles and textile products, as listed in the "Scope of the Investigation" section of the notice, receive benefits which constitute bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by October 25, 1984.

Scope of the Investigation

The products covered by this investigation are certain textiles and textile products. The merchandise is currently classified under the *Tariff Schedules of the United States Annotated* (TSUSA) item numbers as listed in Appendix A to this notice.

Allegations of Bounties or Grants

The petition alleges that producers, manufacturers, or exporters in the Philippines of certain textiles and textile products receive benefits under the following programs that constitute bounties or grants:

A. Foreign Currency Retention Scheme
B. Preferential Access to Foreign Exchange
C. The Bataan Export Processing Zone
D. Preferential Export Credit
E. Incentives to Exporters Under the Export Incentives Act and Sections 11 and 12 of the Investment Incentive Policy Act of 1983
F. Tax Incentives for Preferred Investments
G. Development Bank Equity
Petitioners allege that Continental Manufacturing Corporation and Redson Garments have received equity infusions from the Development Bank of the Philippines although they have been unequity worthy since 1981.

We are initiating with respect to these allegations. We are not initiating on the following allegations:

A. Development Bank Loans

Petitioners allege that the producers and exporters of the products under investigation receive loans on a preferential basis from the Development Bank of the Philippines (DBP), a government owned bank, and other development banking institutions.

In our final determination on Canned Tuna from the Philippines (48 FR 50133), we found that loans from the Development Bank of the Philippines do not confer bounties or grants. This petition does not provide any new evidence to cause us to reinvestigate this allegation.

B. World Bank Modernization Program

Petitioners allege that the producers and exporters of the products under investigation benefit from a massive modernization program sponsored by the World Bank which provides benefits in the form of grants, preferential loans, and training services. Petitioners further allege that to the extent the funds from the program are provided to nonexporting textile mills that supply the fabric used to produce apparel and other textile products for export, they confer countervailable upstream subsidies because the direct recipients of the benefits are related to the firms that produce apparel and other products for exports and thus there is reason to expect the benefits are passed through.

In addition, the petitioners allege that the World Bank project attracted co-financing from a group of Japanese banks and insurance companies, in the form of a loan to the DBP and that the proceeds of this loan are used for the same purposes as the modernization program and therefore, confer countervailable benefits to exporters of texitles and textile products.

Section 303 of the Act (19 U.S.C. 1303) permits the assessment of countervailing duties only when a country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation pays or bestows a bounty or grant upon the manufacture, production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government. Since the merchandise under investigation is produced in the Philippines, and expansion program sponsored by the World Bank is not countervailable.

For the same reasons, a loan granted by a group of Japanese banks and insurance companies to the DBP would not be countervailable.

Dated: August 22, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

Appendix A

The products covered by this investigation are certain textiles and textile products. The merchandise is currently classified under the item numbers of the *Tariff Schedules of the United States Annotated* (TSUSA) listed below.

Yarns

303.1000	303.2040	307.6810	307.6820	307.6830	310.5049

Cordage

315.3500	315.4500	316.3000	316.5800	319.0300	319.0500

Fabric

3281004	3284092	3357500

Special Constructional Fabrics

347.6040	348.0080	348.0095	348.0575	349.1060	351.0500
351.3000	351.4010	351.4610	351.4660	351.8060	352.8060
353.5052	355.2500	355.4530	357.1500	357.7060	357.8060
358.0210					

Textile Furnishings

360.1515	360.1520	360.4225	360.4825	360.7000	360.7800
360.7900	360.8300	361.4500	361.4900	361.5420	361.5426
361.5620	361.5660	363.0120	363.0200	363.0515	363.0525
363.2562	363.2564	363.2575	363.2580	363.3020	363.5115
363.8512	363.8555	365.5060	365.7825	365.7855	365.7865
365.8100	365.8300	365.8640	365.8660	365.8670	365.8680
366.1540	366.1840	366.1855	366.4600	366.4700	366.4820
366.4840	366.5100	366.5400	366.5740	366.7200	366.7700
366.7925	366.7930	367.5500	367.6025	367.6040	367.6080
367.6500					

Apparel

370.0800	370.1200	370.1600	370.8420	372.1010	372.1020
372.1030	372.1036	372.1040	372.1060	372.1540	372.1560
372.3500	372.6020	372.7000	372.7520	372.7540	373.2200
374.1000	374.2500	374.3530	374.3550	374.4000	374.6020
376.1600	376.2425	376.2430	376.2470	376.2825	376.2830
376.2846	376.2886	376.5408	376.5609	376.5612	376.5618
378.0545	378.0550	378.0553	378.0560	378.0571	378.0576
378.1035	378.1535	378.1540	378.6080	378.6530	379.0215
379.0220	379.0230	379.0240	379.0490	379.0605	379.0615
379.0620	379.0640	379.0645	379.0840	379.2020	379.2320
379.2360	379.2610	379.2630	379.2830	379.2840	379.3120
379.3130	379.3140	379.3180	379.3334	379.3336	379.3540
379.3905	379.3915	379.3925	379.3930	379.4020	379.4030
379.4040	379.4050	379.4060	379.4140	379.4330	379.4615
379.4620	379.4640	379.4650	379.4660	379.4670	379.5220
379.5520	379.5530	379.5535	379.5540	379.5545	379.5550
379.5560	379.5565	379.5700	379.5800	379.6210	379.6215
379.6220	379.6230	379.6240	379.6250	379.6260	379.6270
379.6280	379.6430	379.6470	379.7250	379.7530	379.7610
379.7620	379.7630	379.7650	379.8311	379.8318	379.8355
379.8360	379.8420	379.8906	379.8911	379.8915	379.8930
379.8935	379.8940	379.9010	379.9020	379.9030	379.9035
379.9040	379.9100	379.9510	379.9525	379.9530	379.9535
379.9540	379.9550	379.9555	379.9565	379.9575	379.9580
379.9585	379.9650	383.0005	383.0010	383.0015	383.0020
383.0205	383.0206	383.0210	383.0211	383.0215	383.0218
383.0221	383.0225	383.0233	383.0250	383.0265	383.0305
383.0306	383.0320	383.0330	383.0335	383.0340	383.0350
383.0355	383.0390	383.0505	383.0506	383.0520	383.0570
383.0610	383.0611	383.0615	383.0616	383.0620	383.0630
383.0632	383.0805	383.0810	383.0815	383.0820	383.0825
383.0830	383.0835	383.0838	383.0841	383.0844	383.0855
383.0856	383.0859	383.0860	383.1802	383.1803	383.1807
383.1808	383.1820	383.1841	383.1842	383.1857	383.1860
383.1910	383.1920	383.1925	383.1930	383.1935	383.1940
383.2005	383.2013	383.2014	383.2016	383.2020	383.2025
383.2035	383.2040	383.2050	383.2052	383.2054	383.2058
383.2060	383.2205	383.2210	383.2215	383.2220	383.2225
383.2230	383.2240	383.2245	383.2250	383.2305	383.2310
383.2315	383.2320	383.2325	383.2330	383.2335	383.2340
383.2350	383.2351	383.2352	383.2354	383.2356	383.2360
383.2365	383.2550	383.2580	383.2590	383.2706	383.2707
383.2708	383.2709	383.2720	383.2725	383.2730	383.2731
383.2750	383.2820	383.2830	383.2835	383.2910	383.3010
383.3020	383.3030	383.3040	383.3050	383.3060	383.3065
383.3080	383.3085	383.3090	383.3200	383.3405	383.3415
383.3420	383.3430	383.3435	383.3445	383.3448	383.3450
383.3452	383.3460	383.3465	383.3466	383.3600	383.4015
383.4200	383.4300	383.4702	383.4704	383.4705	383.4707
383.4709	383.4711	383.4715	383.4720	383.4721	383.4730
383.4747	383.4749	383.4753	383.4755	383.4759	383.4761
383.4763	383.4765	383.4816	383.4818	383.4820	383.4821
383.4823	383.4825	383.5030	383.5036	383.5038	383.5039
383.5040	383.5045	383.5047	383.5049	383.5050	383.5052
383.5053	383.5062	383.5063	383.5072	383.5073	383.5075
383.5080	383.5082	383.5086	383.5088	383.5090	383.5295
383.5304	383.5316	383.5332	383.5372	383.5392	383.5395
383.5825	383.5845	383.6330	383.6340	383.6371	383.6395
383.7205	383.7210	383.7510	383.7520	383.7540	383.7550
383.7560	383.7864	383.7868	383.7878	383.7882	383.8002
383.8003	383.8004	383.8005	383.8043	383.8044	383.8045
383.8047	383.8070	383.8073	383.8108	383.8110	383.8114
383.8115	383.8116	383.8117	383.8135	383.8140	383.8146
383.8160	383.8300	383.8605	383.8620	383.8621	383.8622
383.8630	383.8635	383.8645	383.8650	383.8660	383.8661
383.8663	383.8665	383.8669	383.8670	383.9010	383.9015
383.9020	383.9025	383.9030	383.9035	383.9040	383.9041
383.9050	383.9051	383.9060	383.9065	383.9070	383.9071
383.9205	383.9210	383.9211	383.9215	383.9225	383.9230
383.9235	383.9240	383.9245	383.9246	383.9265	383.9270
383.9273	383.9276	383.9290	383.9291	383.9525	

Miscellaneous

385.5000	385.6120	385.6140	385.6300	385.7040	386.0430
386.2000	386.5045	387.3700	389.3000	389.4000	389.5000
389.6265	389.7000	702.5600	703.0500	703.1000	703.1600
704.1020	704.2000	704.2500	704.3220	704.3240	704.4010
704.4504	704.4506	704.4508	704.5015	704.6500	704.8520
704.8550	704.9000	705.8520	706.3200	706.3400	706.3640
706.3680	706.3840	706.3850	706.4106	706.4121	706.4140
706.4150	727.8200				

[FR Doc. 84-23054 Filed 8-29-84; 8:45 am]

BILLING CODE 3510-DS-M

National Technical Information Service

Cook Inc.; Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), a U.S. Department of Commerce, intends to grant to Cook Incorporated, having an office in Bloomington, Indiana, an exclusive right to practice the invention embodied in U.S. Patent 4,437,857, "Method and Apparatus for Traversing Blood Vessels." The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this published notice, NTIS receives written evidence and argument which establishes that the grant of the proposed licenses would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 84–23058 Filed 8–29–84; 8:45 am]

BILLING CODE 3410–04–M

International Trade Administration

[A–122–036]

Instant Potato Granules From Canada; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On July 9, 1984, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on instant potato granules from Canada. The review covers the two known manufacturers and/or exporters of this merchandise to the United States currently covered by the finding and the period September 1, 1982, through August 31, 1983

We gave interested parties an opportunity to submit oral or written comments on the preliminary results. We received no comments. Based on our analysis, the final results of our review are the same as the preliminary results.

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–5255.

SUPPLEMENTARY INFORMATION:

Background

On July 9, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 27965–27966) the preliminary results of its administrative review of the antidumping finding on instant potato granules from Canada (37 FR 20175, September 27, 1972). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of instant potato granules from Canada. This merchandise is currently classifiable under items 140.5000, 140.7000, and 141.8610 through 141.8630 of the Tariff Schedules of the United States Annotated.

The review covers the two known manufacturers and/or exporters of this merchandise to the United States currently covered by the finding and the period September 1, 1982, through August 31, 1983.

Final Results of Review

We gave interested parties an opportunity to comment on the preliminary results. The Department received no written comments or requests for a disclosure or a hearing. Based on our analysis, the final results of review are the same as the preliminary results, and we determine that the following margins exist for the period September 1, 1982, through August 31,1983.

Manufacturer/exporter	Margin (percent)
McCain Foods Limited	0
Vauxhall Foods Limited	0

The Department shall instruct the Customs Service not to assess antidumping duties on appropriate entries. Further, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 353.48((b) of the Commerce Regulations, on any shipments of Canadian instant potato granules entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin

immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675 (a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: August 23, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-23121 Filed 8-29-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-351-043]

Printed Vinyl Film From Argentina; Final Results of Administrative Review and Revocation of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review and Revocation of Antidumping Finding.

SUMMARY: On January 10, 1984, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on printed vinyl film from Argentina. The review covered the one known manufacturer and/or exporter of this merchandise to the United States, Plavinil Argentina S.A.I.C., and the period August 1, 1982, through July 31, 1983. There were no known shipments of this merchandise to the United States during the period and there were no known unliquidated entries.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results and tentative determination to revoke. We received no comments. We also determined that there were no shipments of this merchandise to the United States during the period August 1, 1983, through the date of the tentative determination to revoke. We advised all interested parties that there were no shipments and we provided an additional opportunity to comment.

We received one comment from the petitioner. Based on our analysis, these final results cover up to the date of our tentative determination to revoke and we revoke the antidumping finding on printed vinyl film from Argentina.

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Susan M. Crawford, Office of Compliance, International Trade Administration, U.S Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-1130/2209.

SUPPLEMENTARY INFORMATION: .

Background

On January 10, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 1262) the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on printed vinyl film from Argentina (38 FR 22794, August 24, 1973). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of printed vinyl film, also known as printed polyvinyl chloride sheeting, currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated.

The review covered the one known manufacturer and/or exporter of Argentinean printed vinyl film to the United States, Plavinil Argentina S.A.I.C., and the period August 1, 1982, through July 31, 1983. There were no known shipments of this merchandise to the United States during the period and there were no known unliquidated entries. The Department has also determined that there were no shipments of this merchandise to the United States during the period August 1, 1983, through January 10, 1984, the date of publication of the tentative determination to revoke.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results and tentative determination to revoke. We received no comments or requests for a hearing. The Department provided all interested parties further preliminary results for the period up to the date of the tentative determination, and gave interested parties an additional opportunity to comment. In response to the additional opportunity to comment, the petitioner, Dynamit Nobel, submitted one comment.

Comment: Dynamit Nobel objects to our intention to revoke this finding. It argues that the present market conditions remain unchanged from eleven years ago when the Treasury Department conducted its investigation and found dumping margins, and that if we revoke the finding now we will worsen the current market situation.

Department's Position: Dynamit Nobel did not present any quantifiable data to support its objection. Plavinil Argentina has met our requirements for revocation and has submitted the written agreement required by § 353.54(e) of the Commerce Regulations, and, absent such quantifiable evidence from the petitioner, we believe it appropriate to revoke the finding.

Final Results of the Review and Revocation

Based on our analysis of the comment received, in accordance with § 353.54 of the Commerce Regulations, we revoke the antidumping finding on printed vinyl film from Argentina. For the reasons set forth in the preliminary results, we are satisfied that there is no likelihood of resumption of sales at less than fair value. This revocation applies to all unliquidated entries of Argentinean printed vinyl film entered, or withdrawn from warehouse, for consumption on or after January 10, 1984, the date of our tentative determination to revoke the finding.

This administrative review, revocation, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353., 353.54).

Dated: August 22, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-23124 Filed 8-29-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-104]

Strontium Nitrate From Italy; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Duty Order.

SUMMARY: On May 14, 1984, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping duty order on strontium nitrate from Italy. The review covers the one known exporter of this merchandise to the United States, Societa Bario e Derivati S.p.A., and the period June 1, 1982, through May 31, 1983.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results and our tentative determination to revoke. We received no comments. Based on our analysis, the final results of reviews are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden of Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–5255/1130.

SUPPLEMENTARY INFORMATION:

Background

On May 14, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 203354) the preliminary results of its administrative review and tentative determination to revoke the antidumping duty order on strontium nitrate from Italy (46 FR 32864, June 25, 1981). The Department has now competed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of strontium nitrate, a chemical compound $Sr(NO_3)_2$, currently classifiable under item 421.7400 of the Tariff Schedules of the United States Annotated.

The review covers the one know exporter of Italian strontium nitrate to the United States, Societa Bario e Derivati S.p.A. ("SABED"), and the period June 1, 1982, through May 31, 1983.

Final Results of the Review

We invited interested parties to comment on the preliminary results and our tentative determination to revoke. The Dapartment received no written comments or requests for a hearing. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review, and we determine that no dumping margins exist for the period June 1, 1982, through May 31, 1983. the Department shall instruct the Customs Service not to assess dumping duties on all appropriate entries.

Further, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 335.48 (b) of the Commerce Regulations, on shipment of Italian strontium nitrate entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department intends to begin immediately the next administrative review. The Department will examine exports by SABED made during the period June 1, 1983, through May 14, 1984, the date of our tentative determination to revoke, in our next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: August 23, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84–23122 Filed 8–29–84; 8:45 am]

BILLING CODE 3510–25–M

[A–423–077, A–427–078, A–428–082]

Sugar From France, Belgium, and the Federal Republic of Germany; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on sugar from France, Belgium, and the Federal Republic of Germany. The review covers the thirteen known exporters and third-country resellers of this merchandise to the United States and two consecutive periods from June 1, 1982, through May 31, 1984. There were no known shipments of this merchandise to the United States during the periods and there are no known unliquidated entries.

As a result ofthe review, the Department has preliminarily determined to require cash deposits of estimated antidumping duties on future entries equal to the margins calculated on the last known shipments. Interested parties are invited to comment on these results.

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–1130.

SUPPLEMENTARY INFORMATION:

Background

On January 14, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 1786) the final results of its last administrative review of the antidumping finding on sugar from France, Belgium, and the Federal Republic of Germany (44 FR 33878, June 13, 1979) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of sugar, both raw and refined, with the exception of specialty sugars, currently classifiable under items 155.2025, 155.2045, and 155.3000 of the Tariff Schedules of the United States Annotated.

The review covers the thirteen known exporters and third-country resellers of French, Belgian, and West German sugar to the United States and two consecutive periods from June 1, 1982, through May 31, 1984. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 102 percent, 103 percent, and 121 percent shall be required on all shipments of French, Belgian, and West German sugar, respectively, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: August 24, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-23120 Filed 8-29-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-427-072]

Viscose Rayon Staple Fiber From France; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding of viscose rayon staple fiber from France. The review covers the two known exporters and the one known third-country reseller of this merchandise to the United States and the period March 1, 1983, through February 29, 1984. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require cash deposits of estimated antidumping duties on future entries equal to the margin calculated on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Ron Nichols or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On June 13, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 24427) the final results of its last administrative review of the antidumping finding on viscose rayon staple fiber from France (44 FR 17156, March 21, 1979) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 209.4325 of the Tariff Schedules of the United States Annotated.

The review covers the two known exporters of French viscose rayon staple fiber, Rhone-Poulenc Textile and Achille Bayart et Cie, and the one known third-country (Netherlands) reseller, B.V. Textielfabriek Huizen, and the period March 1, 1983 through February 29, 1984. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 24 percent shall be required on all shipments of French viscose rayon staple fiber entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice an may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: August 22, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-23123 Filed 8-29-84; 8:45 am]

BILLING CODE 3510-DS-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Federal Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

Department of the Air Force

SN 6-274,698 (4,447,149)
Pulsed Laser Radar Apparatus
SN 6-287,451 (4,454,513)
Simulation of an Electronic Countermeasure Technique
SN 6-339,205 (4,453,587)
Replication of High Power Laser Mirrors
SN 6-339,258 (4,453,995)
Method of Making Compartmented, Filament Wound, One-Piece Aircraft Fuel Tanks
SN 6-339,261 (4,453,806)
Eye Safe Laser Transmitter
SN 6-370,233 (4,448,742)
Low Cost Thermal Protection System Processing
SN 6-465,228 (4,449,032)
Variable Gain Oven Temperature Control Circuit
SN 6-512,847 (4,448,645)
Electroding of Multi-Layered Epitaxial Structures
SN 6-601,514
Constant Speed Drive with Compensation Using Differential Gears
SN 6-601,520
Applique Rate Converter
SN 6-601,873
Halo-Substituted Diphospha-s-Triazines and their Derivatives
SN 6-601,874
Dihalo-Monaphospha-s-Triazines and Their Derivatives
SN 6-604,508
Broadband Guided-Wave Optical

Frequency Translator Using an Electro-Optical Bragg Array
SN 6-606,325
Feed Displacement Correction in a Space Fed Lens Antenna
SN 6-610,897
System for Removal of Airborne Contaminants from Aircraft Environmental Control Systems
SN 6-614,904
Direct Lift Command Blending
SN 6-614,905
Shock Absorbing Missile Launch Pad
SN 6-615,502
Bulk Acoustic Resonator Tracking Filter
SN 6-615,503
Selection of Data From Busses for Test
SN 6-616,454
Damaged Radar Radome Repair Device
SN 6-617,445
Method for Refining Microstructures of Prealloyed Powder Metallurgy Titanium Articles.
SN 6-617,447
Method for Refining Microstructures of Blended Elemental Powder Metallurgy Titanium Articles.
SN 6-617,449
Triggered Spark Gap Discharger
SN 6-617,456
Multi-(OTeF5)-Substituted Flurocarbons
SN 6-617,667
Intrusion Barrier and Detection Apparatus
SN 6-619,244
Inspection Workstation Data Entry Method
SN 6-622,379
Deception Pattern for Camouflage

[FR Doc. 84-23090 Filed 8-29-84; 8:45 am]
BILLING CODE 3510-04-M

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Federal Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,
Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture

SN 6-256,206 (4,451,265)
Diesel Fuel-Aqueous Alcohol Microemulsions
SN 6-351,400 (4,452,288)
Powdered Tree Chipper or Bark Hack
SN 6-378,317 (4,454,680)
Rope Wick Chemical Recovery Apparatus
SN 6-385,162 (4,449,391)
Method for Separating Closed Bolls of Cotton by Maturity
SN 6-427,229 (4,451,267)
Microemulsions From Vegetable Oil and Aqueous Alcohol with Trialkylamine Surfactant as Alternative Fuel For Diesel Engines
SN 6-507,191 (4,454,268)
Starch-Based Semipermeable Films
SN 6-586,617
Process to Impart Smooth-Dry and Flame Retardant Properties to Cellulosic Fabric
SN 6-586,618
Process to Produce Durable Press Low Formaldehyde Release Cellulosic Textiles
SN 6-610,949
Suffocation-Type Insect Trap with Pitfall and Attractant
SN 6-611,042
Anticlostridial Agents
SN 6-348,575 (4,449,823)
Device for Measurement of the Spectral Width of Nearly Monochromatic Sources of Radiant Energy
SN 6-348,576 (4,444,501)
Stabilizing Mechanism for Optical Interferometer
SN 6-611,552
Magnetoresistive Skin for Robots
SN 6-612,291
Modulation Transfer Spectroscopy for Stabilizing Lasers

Department of Health and Human Services

SN 6-294,368 (4,451,648)
Process for the Production of 2-B-D-Ribofuranosylthiazole-4-Carboxamide
SN 6-329,590 (4,362,510)
Cementitious Dental Compositions Which Do not Inhibit Polymerization
SN 6-475,215
Multi-Layer Coil Assembly Coaxially Mounted Around the Rotary Axis for Preparatory Countercurrent Chromatography
SN 6-499,093
Monoclonal Antibodies to Cytoskeletal Proteins
SN 6-540,667
Tumor Treatment in Humans with 4'-Carboxyphthalato(1,2-Diaminocyclohexane)Platinum (II)

Department of the Interior

SN 6-376,851 (4,457,624)
Suspended Sediment Sensor
SN 6-488,481 (4,453,594)
Solution Mining of Coal by Electrolysis

Department of the Air Force

SN 6-329,557
Simultaneous Detection of Time Coincident Signals in an Adaptive Doppler Tracker
SN 6-339,206 (4,426,131)
Replaceable Diffraction Gratings for Cooled Laser Optics
SN 6-465,942 (4,437,080)
Method and Apparatus Utilizing Crystalline Compound Superconducting Elements Having Extended Strain Operating Range capabilities Without Critical Current Degradation
SN 6-595,153
Method to Reveal Microstructures in Single Phase Alloys
SN 6-596,471
Phase Only Optical Filter for use in an Optical Correlation System
SN 6-598,949
Compact Broadband Rectangular to Coaxial Waveguide Junction

Department of the Army

SN 6-212,766
Walsh Function Light Pattern Image Analyzer and Method
SN 6-469,333
Frequency Modulated Phase Locked Loop
SN 6-473,467
Improved Chirp Transform Correlator
SN 6-592,140
Pipe Corrosion Monitoring Apparatus and Method
SN 6-600,241
A Method for Producing Nutritionally Dense Freeze Dried Food Bars
SN 6-600,700
Portable Trapping Device
SN 6-605,456
Method of Directly Crystallizing a (Sm + Ti): Fe = 1:5 Compound
SN 6-606,729
Porous Catalytic Metal Plate Degeneration Bed in a Gas Generator
SN 6-608,824
Tone Signalling Adapter for a Telephone Set
SN 6-608,840
Distributed Pulse Forming Network

for Magnetic Modulator
SN 6-611,292
High Power Optical Switch for Microsecond Switching
SN 6-612,524
Semiconductor Multipactor Device
SN 6-620,301
Shaft Coupling Device
SN 6-623,883
Temperature Controlled Adjusting Mechanism
SN 6-624,896
Tactical High Frequency Antennas

National Security Agency

SN 6-180,075 (4,383,261)
Method For Laser Recording Utilizing Dynamic Preheating

[FR Doc. 84-23127 Filed 8-29-84; 8:45 am]
BILLING CODE 3510-04-M

DEPARTMENT OF COMMERCE

DEPARTMENT OF LABOR

Steel Advisory Committee; Meeting

On December 6, 1983, five subcommittees were established to serve the Steel Advisory Committee. Those subcommittees were: Subcommittee on the State of the Industry, Subcommittee on Trade Issues, Subcommittee on Capital Formation Issues, Subcommittee on Industry Rationalization Issues, and Subcommittee on Employment, Productivity and Adjustment Issues.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (1976), as amended, notice is hereby given that the Subcommittee on Capital Formation will meet on September 12, 1984 at 10:30 a.m.–11:30 a.m. This meeting will be held in Room 4426, Department of Treasury, Washington, D.C.

The purpose of this meeting is to present this Subcommittee's consensus recommendations regarding Capital Formation. For further information regarding this Subcommittee's agenda, meeting schedule, objectives or structure, please contact Dr. Timothy P. Roth, Executive Director, Steel Advisory Committee, whose mailing address is: Room 6324, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; or telephone (202) 377-0703. With regard to general questions relating to the Administration of this Subcommittee as required by the Federal Advisory Committee Act, please contact Robert H. Brumley II, Special Assistant to the General Counsel, U.S. Department of Commerce, (202) 377-4772.

The public is welcome to attend this meeting and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Executive Director of the Committee in advance of this meeting. The Subcommittee Chair retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Dated: August 27, 1984.

Timothy P. Roth,

Executive Director, Steel Advisory Committee.

[FR Doc. 84-23037 Filed 8-29-84; 8:45 am]
BILLING CODE 3510-BP-M; 4510-23-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Officials of the Government of the Republic of the Philippines Authorized To Issue Export Visas and Exempt Certifications

Dated: August 27, 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 31, 1984. For further information contact Carl Ruths, International Trade Specialist (202) 377-4212.

Background

On November 28, 1979 a CITA directive was published in the **Federal Register** (44 FR 68005), which establishes an export visa requirement and certification for exemption of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported to the United States. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of the Republic of the Philippines. The Government of the Republic of the Philippines has named three officials to issue these documents. A list of these officials, along with facsimiles of their signatures, is published as an enclosure to the letter to the Commissioner of Customs which follows this notice. This list supersedes all previous such lists.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

August 27, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of November 23, 1979 from the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain cotton, wool and man-made fiber textile products in designated categories for which the Government of the Republic of the Philippines had not issued an appropriate export visa or exempt certification.

Effective on August 31, 1984, the directive of November 21, 1979 is hereby further amended to include the enclosed list of officials authorized by the Government of the Republic of the Philippines to issue export visas and exempt certifications. These are the only officials currently so authorized Facsimiles of their signatures are also enclosed.

The action taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton, wool and man-made fiber textile products from the Philippines 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 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.

OFFICIALS AUTHORIZED BY THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES TO ISSUE VISAS AND CERTIFICATIONS FOR EXEMPTION FOR TEXTILE AND APPAREL PRODUCTS EXPORTED TO THE UNITED STATES

Name	Signature
Aida Cabardo	Acabardo
Asuncion B. Kalalo	Asuncion B. Kalalo
Eden Malapad	Eden Malapad

[FR Doc. 84-23051 Filed 8-29-84; 8:45 am]
BILLING CODE 3510-DR-M

Establishing Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Indonesia

August 27, 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 31, 1984. For further information contact James Nader, International Trade Specialist (202) 377-4212.

Background

On June 21, 1984 a notice was published in the **Federal Register** (49 FR 25498) which established import restraint limits for women's, girls' and infants' knit shirts and blouses in Category 339 and woven shirts in Category 640, produced or manufactured in Indonesia and exported during the ninety-day period which began on May 29, 1984 and extended through August 26, 1984. To facilitate implementation of the limits established for the categories during the twelve-month period which began on July 1, 1984, the ninety-day period is being cancelled and limits are being established instead for the period which began on May 29, 1984 and extended through June 30, 1984.

Consultations have been held concerning these categories, but no solution was reached on mutually satisfactory limits. The United States Government has decided, therefore, to control imports of textile products in Categories 339 and 640 exported during the May 29–June 30, 1984 period at levels of 15,383 dozen for Category 339 and 15,437 dozen for Category 640.

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached, further notice will be published in the **Federal Register**.

In the event the limits established for the May 29–June 30, 1984 period have been exceeded, such excess amounts, if allowed to enter, will be charged to the levels established for the twelve-month period which began on July 1, 1984.

The letter published below cancels and supersedes the directive of June 18, 1984 to the Commissioner of Customs and establishes modified restraint limits for textile products in Categories 339 and 640, produced or manufactured in Indonesia and exported during the period May 29–June 30, 1984.

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 27, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive cancels and supersedes the directive of June 18, 1984.

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, 1983, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 13 and November 9, 1982, as amended, between the Governments of the United States and Indonesia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on August 31, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 339 and 640, produced or manufactured in Indonesia, and exported during the period which began on May 29, 1984 and extended through June 30, 1984, in excess of the following levels:

Category	Restraint level [1]
339	15,383 dozen.
640	15,437 dozen.

[1] The levels have not been adjusted to account for any imports exported after May 28, 1984.

Textile products in Categories 339 and 640 which have been exported to the United States prior to May 29, 1984 shall not be subject to this directive.

Textile products in Categories 339 and 640 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 Comissioner 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 Indonesia and with respect to imports of cotton and man-made fiber textile products from Indonesia 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.

[FR Doc. 84-23118 Filed 8-29-84; 8:45 am]

BILLING CODE 3510-DR-M

Establishing Import Limits for Certain Cotton and Man-Made Fiber Textile Products Exported from Indonesia

August 27, 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 31, 1984. For further information contact James Nader, International Trade Specialist (202) 377-4212.

Background

On June 21, 1984 a notice was published in the **Federal Register** (49 FR 25498) which established an import restraint limit for women's, girls' and infants' knit shirts and blouses in Category 339 and woven shirts in Category 640, produced or manufactured in Indonesia and exported during the ninety-day period which began on May 29, 1984 and extends through August 26, 1984, pursuant to the consultation provision of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 13 and November 9, 1982, as amended. The notice also stated that the Government of the Republic of Indonesia is obligated under the bilateral agreement, if no mutually satisfactory solution is reached on a level for these categories during consultations, to limit its exports during the period beginning on July 1, 1984 and extending through June 30, 1985 to 182,058 dozen for Category 339 and 182,698 dozen for Category 640.

The notice also stated that merchandise in Categories 339 and 640 which is in excess of the ninety-day limits, if it is allowed to enter, may be charged to the twelve-month limits. The United States Government has decided, inasmuch as no mutually satisfactory solution has been agreed in consultations, to control imports at the designated limits. The limits may be adjusted later to include swing and carryforward.

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 27, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: 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 October 13, and November 9, 1982, as amended, between the Governments of the United States and the Republic of Indonesia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on August 31, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 339 and 640, produced or manufactured in Indonesia and exported during the period which began on July 1, 1984 and extends through June 30, 1985, in excess of the following limits:

Category	12-month restraint limit [1]
339	182,058 dozen.
640	182,698 dozen.

[1] The limits have not been adjusted to reflect for any imports exported after June 30, 1984.

Merchandise in the foregoing categories which is in excess of the limits estabished for exports during the period May 29-June 30, 1984 shall be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers are 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).

The action taken with respect to the Government of Indonesia and with respect to imports of cotton and man-made fiber textile products from Indonesia 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 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.

[FR Doc. 84-23119 Filed 8-29-84; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

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 the Committee: Army Science Board (ASB).

Dates of Meeting: Thursday and Friday, 20 and 21 September 1984.

Times of Meeting: 0830-1700 hours, both days (Closed).

Place: White Sands Missile Range, New Mexico.

Agenda: The Army Science Board Ad Hoc Subgroup on U.S. Army TRADOC U.S. Army Training and Doctrine Command) Operations Research Activity (TORA) will meet for classified briefings and discussions. The Subgroup is tasked with a review of TORA to improve its operation and will look at TORA's current projects and future workload, as well as analytic capabilities. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C.,Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-74046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 84-23093 Filed 8-29-84; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

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 the Committee: Army Science Board (ASB).

Dates of Meeting: Tuesday and Wednesday, 2 and 3 October 1984.

Times of Meeting: 0800-1700 hours, both days (Closed).

Place: The Pentagon, Washington, DC.

Agenda: The Army Science Board Ad Hoc Subgroup on Ballistic Missile Defense (BMD) Follow-On will meet for classified briefings and discussions reviewing matters that are an integral part of or are related to the issues of the study effort, i.e., Discrimination, Anti-Tactical Missile, and Strategic Air Defense.

The subgroup is tasked with a comprehensive review of BMD requirements, technology, and specific critical issues impacting on program development. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

The Army Science Board Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 84–23094 Filed 8–29–84; 8:45 am]

BILLING CODE 3710–08–M

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement; Cumberland and Tennessee Rivers Below Barkley Canal

AGENCY: U.S. Army Corps of Engineers, Nashille District.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Cumberland and Tennessee Rivers Below Barkley Canal Navigation Study.

I. Summary

The navigation study of the Cumberland and Tennessee Rivers below Barkley Canal was authorized by Senate Committee on Public Works Resolution, dated 2 October 1972, as amended on 9 September 1982, by resolution of the Senate Committee on Environment and Public Works. The U.S. Army Corps of Engineers is preparing a feasibility report/EIS as required by the National Environmental Policy Act (NEPA) for navigation improvement alternatives within the study area. The report will identify and evaluate beneficial and adverse effects of alternatives on the resources of the study area.

The study area includes the Corps of Engineers' Barkley Lock and Dam at Cumberland River (Mile 30.6) downstream to the Cumberland River's confluence with the Ohio River at Mile 920.5 (Smithland, Kentucky); the Tennessee Valley Authority's Kentucky Lock and Dam at Mile 22.4 on the Tennessee River, which enters the Ohio River at Mile 932.5 near Paducah, Kentucky; and the 1.75-mile-long open navigation canal which joins Barkley and Kentucky Lakes approximately 2.2 miles upstream from Barkley Dam.

A. Structural plans being studied, alone or in combination, include the construction of additional locking capacity at Kentucky Lock and modifications to ten bendways on the Cumberland River downstream of Barkley Dam. Variations for providing additional locking capacity at Kentucky Lock are a 600' x 110' lock or a 1,200' x 110' lock, both located adjacent to the existing lock. An additional structural alternative would consist of modification of ten bendways coupled with traffic regulation.

B. Nonstructural alternatives include regulating traffic, congestion fees, and no action.

II. Scoping Process

The public is invited to submit written comments within 30 days of this notice, to aid in determining the issues to be covered in the DEIS. Comments have also been solicited by letter of 24 May 1984.

The EIS will identify, describe, and evaluate the existing environmental, cultural, and recreational resources; explain the navigation problems of the Cumberland and Tennessee Rivers downstream of Barkley Canal and possible solutions to the navigation problems; and evaluate the impacts associated with the alternatives under consideration. The following is a preliminary list of significant issues which would be analyzed and addressed in the DEIS:

A. Effects on fish and wildlife.
B. Effects on terrestrial habitat.
C. Effects on endangered species.
D. Effects on prime and unique farmlands.
E. Effects on aquatic habitats.
F. Effects on cultural resources.
G. Effects on water quality.
H. Effects of discharge of fill material below ordinary high water under section 404 of the Clean Water Act of 1977.

Coordination will be conducted with the US Fish and Wildlife Service (FWS) to insure compliance with section 7 of the Endangered Species Act of 1973, as amended in 1978, as well as the FWS and Kentucky Department of Fish and Wildlife under the Fish and Wildlife Coordination Act (48 Stat. 401 as amended; 16 U.S.C. 661 et seq.). The cultural resources reconnaissance for the project area has been coordinated with Kentucky Historic Preservation Officer and the State Archeologist.

Copies of the draft and final EIS will be transmitted to state and Federal agencies for comments and filed with the Environmental Protection Agency in accordance with ER 200–2–2 and 40 CFR Parts 1500–1508.

III. Scoping Meeting

No scoping meeting will be conducted unless comments indicate that one is needed to obtain adequate input from the public and from other agencies. Scoping has been undertaken by mail.

IV. Estimated Completion

The DEIS should be made available to the public in August 1985.

Questions. The District point of contact for questions concerning this project DEIS is Ms. Liz Rhodes, (615) 251–5028 or FTS 852–5028. All correspondence should be sent to the following address: U.S. Army Engineer District, Nashville, Planning Branch, Environmental Analysis Section, PO Box 1070, Nashville, Tennessee 37202.

Dated: August 21, 1984.

William T. Kirkpatrick,

Colonel, Corps of Engineers, Commanding.

[FR Doc. 84–23084 Filed 8–29–84; 8:45 am]

BILLING CODE 3710–GF–M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Department of the Army (DA) Permit for a 6-Mile Long Public Access Road Causeway Connecting Ebeye Island to the Islands North of Ebeye, Kwajalein Atoll, Republic of the Marshall Islands

August 21, 1984.

AGENCY: U.S. Army Corps of Engineers, Honolulu District, Pacific Ocean Division, Fort Shafter, Hawaii.

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. Description of the proposed action: The applicant, Kwajalein Development Authority (KADA), proposes to construct approximately 1.7 miles of causeway and 3.8 miles of roadway linking the island of Ebeye with the six small islands to the north. The purpose of the causeway/roadway is to provide more land area for the people of Ebeye to relieve the existing overcrowding and substandard living conditions. The proposed project requires a Department of the Army (DA) permit under section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Description of reasonable alternatives: Because of the preliminary nature of the project, details on reasonable alternatives have not been finalized. The applicant is in the process of determining various alternatives, which will include:

a. Alternative alignments of the road causeway,

b. No action alternative,

c. Dock construction for boat access between the islands to preclude construction of the road causeway,

d. Relocation of Ebeye population to other islands or areas.

3. Description of the scoping process for the EIS.

a. A public notice shall be issued announcing the intent to prepare a DEIS for the proposed permit action and inviting public comments and participation of affected Federal, State and local agencies, and other interested private organizations and parties as to specific factors of concern which should be addressed in the DEIS. Upon preparation of the DEIS, a public notice shall be issued summarizing the facts of the case and announcing the availability of the DEIS. If a public hearing is requested, it will be held after completion of the DEIS.

b. The significant issues to be analyzed in depth in the DEIS will include:

(1) Impacts of the project on the marine environment and coastal zone,

(2) Project impacts on rare or endangered species, flora, or fauna, if any,

(3) Coastal water quality and oceanographic impacts,

(4) Air quality and noise impacts,

(5) Socioeconomic impacts on residents of Ebeye and impacts on public facilities,

(6) Land use considerations and impacts,

(7) Historic and archaeological considerations,

(8) Water supply, electrical, sewage system, recreational, and transportation impacts.

4. It is estimated that DEIS will be made available to the public in December 1984.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Stanley Arakaki, Room 205, Building 230, Fort Shafter, Hawaii 96858, Telephone: (808) 438–9258.

Dated: August 23, 1984.

Michael M. Jenks,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 84–23071 Filed 8–29–84; 8:45 am]

BILLING CODE 3710–NN–M

Department of the Navy

Chief of Naval Operations; Executive Panel Advisory Committee Special Warfare Task Force; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Special Warfare Task Force will meet September 25–26, 1984, from 9 a.m. to 5 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to examine special warfare forces missions and roles. The entire agenda for the meeting will consist of discussions of key issues related to special warfare and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Thomas E. Arnold, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Phone (703) 765–1205.

Dated: August 24, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84–23079 Filed 8–29–84; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF EDUCATION

[ACN–07–70002]

Office of Special Education and Rehabilitative Services

Education of the Handicapped Act, Part B; Intent to Repay to the Nebraska Department of Education Funds Recovered as a Result of a Final Audit Determination

AGENCY: Education Department.

ACTION: Notice of intent to award grantback funds.

SUMMARY: Notice is given that, under section 456 of the General Education Provisions Act (GEPA), the U.S. Secretary of Education intends to repay under a grantback arrangement to the Nebraska Department of Education (SEA) an amount equal to 75 percent of the funds recovered by the U.S. Department of Education (Department) after a June 8, 1981 final decision by the Department's Education Appeal Board. This notice describes the SEA's plan for the use of the repaid funds and the terms and conditions under which the Secretary intends to make these funds available.

DATE: All written comments must be received on or before September 29, 1984.

ADDRESS: All written comments should be submitted to Dr. David J. Rostetter, Acting Director, Division of Assistance to States, Office of Special Education Programs, Office of Special Education and Rehabilitative Services, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 3605, MES), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. David Rostetter. Telephone: (202) 732–1024.

SUPPLEMENTARY INFORMATION:

A. Background

Under Part B of the Education of the Handicapped Act (EHA-B) as in effect during fiscal years 1973 and 1974, participating States were permitted to use 5 percent (or $100,000, whichever was greater) of the funds allotted to the States for administration of the State EHA-B plan and for planning on the State and local level. Nebraska state Legislative Bill 403, as enacted, stipulated that the education of all handicapped children of school age was the responsibility of the local school district and that State funds would be used to pay most of the additional educational costs associated with handicapped children. To recieve their initial allocation of State funds, the local school districts were required to collect and verify information about handicapped children, but the State legislature did not appropriate funds to collect and verify the required information. In place of State funds, 31 local educational agencies used EHA-B funds to collect and verify the information required under the State law.

The audit report found that when the data collection expenses of the LEAs were added to the other State expenditures for planning and administration of the Nebraska EHA-B program, the SEA had exceeded the statutory limitation (5% or $100,000) by $94,274 ($2,809 in fiscal year 1984 and $91,465 in fiscal year 1974).

On September 7, 1977, the Bureau of Education for the Handicapped, Office of Education, DHEW, issued a final letter of determination based on the audit requesting a refund of $94,274. On December 13, 1979, the SEA appealed the audit determination to the Education Appeal Board. On June 8, 1981, the Education Appeal Board issued its decision upholding the $94,274 audit exception. On June 22, 1984, the Department of Education acknowledged receipt of the SEA's payment of $101,005 ($94,274 refund plus $6,731 accumulated interest) as full settlement of the claim.

B. Authority for Awarding a Grantback

Section 456(a) of GEPA (20 U.S.C. 1234e(a)) provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available for that program and arrange to repay to the SEA or LEA affected by that determination an amount not to exceed 75 percent of the recovered funds ($94,274 not including interest). The Secretary may enter into this "grantback" arrangement if the Secretary determines that—

(1) The practices and procedures of the SEA or LEA that resulted in the audit determination have been corrected, and that the SEA or LEA is in all other respects in compliance with the requirements of the applicable program;

(2) The SEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement which meets the requirements of the applicable program, and, to the extent possible, benefits the population that was affected by the misexpenditures that resulted in the audit exception; and

(3) The funds to be awarded under the grantback arrangement, if used in accordance with the SEA's plan, would serve to achieve the purposes of the program under which the funds were originally granted.

C. Request for Repayment of Funds Awarded under a Grantback Arrangement

By letter dated July 10, 1984, the SEA formally requested repayment, under a grantback arrangement, of 75 percent of the audit exception of $94,274 which it had returned to the Department, with interest, as settlement of a final audit determination. The amount of the grantback would be $70,705. With its request, the SEA provided assurances that the practices and procedures that resulted in the final determination have been corrected and that it is in all other respects in compliance with the requirements of the program. Also included with the SEA's request was a budget plan for the expenditure of the funds to be awarded under the grantback arrangement.

D. Plan for Use of Funds Awarded Under a Grantback Arrangement

In accordance with section 456(a)(2) of GEPA, the SEA, in its July 10, 1984 request (with subsequent revisions), described its plan to use the grantback funds to support the special educational needs of pre-kindergarten handicapped children in programs administered under Part B of the Education of the Handicapped Act.

Under the plan presented by the SEA, grantback funds will be used to purchase equipment and materials to support services provided under the Early Childhood Special Education (ECSE) program. The ECSE program complies with the requirements of the EHA–B. Parent and advocate support of the ECSE program is provided through the State Special Education Advisory Council. The items to be purchased with the grantback funds will be housed at the Nebraska Diagnostic Resource Center (NDRC), a learning resource component for the sensory impaired. The NDRC serves handicapped children in all school districts in the State. Placement of the equipment and materials at the NDRC will allow for distribution of the items to the LEAs through an existing loan system. The equipment and materials will also be available for direct use by students who come to the NDRC for short-term assessment experiences. The plan proposed by the SEA will provide the greatest impact from the funds available for expenditure rather than granting small amounts of funds to a limited number of selected LEAs. Because the funds requested under this grantback arrangement must be expended by September 30, 1984, in accordance with section 456(c) GEPA, the SEA will use these funds to purchase equipment and materials by September 30, 1984.

E. The Secretary's Determinations

Based upon a thorough review of the SEA's request for the repayment of funds under Section 456 of GEPA, including the SEA's discharge of its payment obligations to the Department, the SEA's assurances described in Part C of this notice, and the SEA's plan and budget, the Secretary makes the folowing determinations:

(1) The SEA has corrected the practices and procedures that resulted in the final audit detemination, and is in all other respects in compliance with the requirements of the EHA–B program;

(2) The SEA has submitted a plan for the use of the funds to be awarded under the grantback arrangement that meets the requirements of the EHA-B program and will benefit handicapped children who are served by the program; and

(3) The funds to be awarded under the grantback arrangement, if used in accordance with the SEA's plan, would serve to achieve the purposes of the EHA-B program.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action.

F. Notice of the Secretary's Intent to Enter Into a Grantback Arrangement

Section 456(d) of GEPA requires, at least 30 days prior to entering into an arrangement to award funds under a grantback, that the Secretary publish in the **Federal Register** a notice of his intent to do so, and the terms and conditions under which the payment will be made.

In accordance with this requirement, notice is given that the Secretary intends to make available, under a grantback arrangement to the SEA, an amount of $70,705 which is 75 percent of the funds, exclusive of interest, the Department has recovered after the Education Appeal Board's final decision on this audit. The Secretary bases his intention to enter into a grantback arrangement under section 456 of GEPA on his determinations outlined in Part E of this notice, and payment by the SEA of all funds owed to the Department as a result of the final audit determination.

G. Terms and Conditions Under Which Payment Under the Grantback Arrangement Will Be Made

Section 456(b) of GEPA provides that any payments made under a grantback arrangement shall be subject to the terms and conditions that the Secretary deems necessary to accomplish the purpose of the affected program. The SEA agrees to comply with the following terms and conditions under which payment under the grantback arrangement will be made:

(1) The SEA will spend the funds awarded under the grantback in accordance with—

(a) All applicable statutory and regulatory requirements;

(b) The plan that the SEA submitted and any amendments to that plan that are approved by the Secretary; and

(c) The budget that was submitted with the plan and any amendments to the budget that are approved by the Secretary.

(2) In accordance with section 456(c) of GEPA and the SEA's plan, all funds received under the grantback arrangement will be expended by September 30, 1984.

(3) The SEA must, not later than 90 days, submit a report to the Secretary which indicates that the funds awarded under the grantback have been spent in accordance with the SEA's proposed plan and approved budget.

(4) Separate accounting records must be maintained documenting the expenditure of funds awarded under the grantback arrangement.

Invitation to Comment

The Secretary invites public comments on this notice of intent to award funds under a grantback arrangement to the Nebraska SEA. Interested persons may send written comments to Dr. David Rostetter at the address at the beginning of this notice. All comments must be received on or before September 29, 1984.

(Catalog of Federal Domestic Assistance No: 84.027—Assistance to States for Education of Handicapped Children)

Dated: August 28, 1984.

T. H. Bell,

Secretary of Education.

[FR Doc. 84-23252 Filed 8-28-84; 4:30 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of the Secretary

Liquefied Gaseous Fuels Spill Test Facility

In accordance with Congressional action on the Continuing Resolution (Pub. L. 97-377), the Department of Energy (DOE), in support of the Fossil Energy Liquefied Gaseous Fuels (LGF) Spill Test Program, is setting forth this notice that it is preparing to construct a unique spill test facility where tests could be performed on hazardous chemicals and liquefied gaseous fuels. The facility will be made available for testing on a user-fee basis. This will allow users and suppliers of these materials and other interested parties to develop a technical data base of safety-related information. A site has been selected for this facility (the U.S. Department of Energy's Nevada Test Site) and the DOE and its contractors are nearing completion of detailed design associated with the LGF Spill Test Facility. User interest in this facility has been encouraging as evidenced by comments received on the Preliminary Facility Design Description Document.

It is intended that the facility be of generic design, capable of spilling large volumes of several types (e.g., cryogenic, isothermal, aerosol-forming, and chemically reactive) of hazardous materials at high rates onto different surfaces and under varying conditions. In conjunction with this notice, the DOE is now soliciting potential users to review design details of the facility. The DOE cannot provide compensation for this activity.

The following activities are contemplated. Detailed design packages will be available shortly. A period of thirty (30) days for review and formation of comments will occur before the date of a scheduled forum. Written comments can be presented and verbally addressed before a representative of DOE and its contracted designers at the forum. A fifteen (15) day period following the forum would be planned for receipt of final written comments. This period will permit consideration of all comments received by the Department.

The Department is presently planning to conduct the forum in Las Vegas, Nevada. The exact date and location will be provided to you upon finalization of plans. The potential exists for visit to the facility construction site on the day following the forum meeting.

FOR FURTHER INFORMATION CONTACT: Mr. J.E. Walsh, Jr., Deputy Assistant Secretary for Management, Planning and Technical Coordination, Office of Fossil Energy, FE-10, U.S. Department of Energy, Washington, D.C. 10545.

Issued in Washington, D.C. on August 13, 1984.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 84-23035 Filed 8-29-84; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Amendment of the Final Billing Credits Policy to Require a Cost-Effective Determination for Resources Other Than Conservation

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of amendment of final billing credits policy, including deleted language and replacement language.

SUMMARY: This notice announces BPA's decision to amend the final Billing Credits Policy to require a Regional Act cost-effectiveness determination for resources other than conservation.

Responsible Official: Eleanor Y. Adelman, Billing Credits Coordinator, is the official responsible for amendment of the final policy.

DATE: These changes are effective immediately.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Manager, P.O. Box 12999, Portland, Oregon 97212, 503-230-3478. Oregon callers outside of Portland may use the toll-free number 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800-547-6048. Information may also be obtained from:

Ms. Eleanor Y. Adelman, Billing Credits Coordinator, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, 503-230-3602.

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-687-6952.

Mr. Earl C. Schoer, Acting Upper Columbia Areas Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206-442-4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-522-6226.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

Mr. Frederic D. Rettenmund, Boise District Manager, Owyhee Plaza, Suite 245, 1109 Main Street, Boise, Idaho 83707, 208-334-9137.

SUPPLEMENTARY INFORMATION:

I. Background

On September 23, 1983, BPA published its final Billing Credits Policy in the **Federal Register** (48 FR 43484). The final policy provided that a resource need not be shown to be cost-effective, as defined

in the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act), to be eligible for a billing credit. At the same time that the final Billing Credits Policy was published, BPA published a notice in the **Federal Register** (48 FR 43512) soliciting comments on whether the Billing Credits Policy should be amended to require that a resource undergo a cost-effectiveness determination in order to establish that resource's eligibility for a billing credit.

BPA's proposed Billing Credits Policy, published in the **Federal Register** on March 5, 1982, (47 FR 9760), had not required that a resource be shown to be cost-effective to be eligible for a billing credit. This issue received relatively few comments during the official comment period, which ended on April 23, 1982. On April 27, 1983, the Northwest Power Planning Council (Regional Council) adopted its Regional Conservation and Electric Power Plan (Council's Plan) which provided that all BPA resource acquisition must be cost-effective. On April 8, 1983, the Regional Council formally expressed concern that the lack of a cost-effectiveness determination to establish a resource's eligibility for a billing credit might constitute an inconsistency between BPA's Billing Credits Policy and the Regional Council's plan.

Because of the Regional Council's concern that there might be an inconsistency between the Council's Plan and the Billing Credits Policy, BPA decided to reconsider the issue of the cost-effectiveness determination requirements for a billing credit resource.

BPA opened a formal comment period on the issue of whether the final Billing Credits Policy should be amended to require a cost-effectiveness determination for a resource to be eligible for a billing credit. The original 45-day comment period, lasting from September 23, 1983, to November 7, 1983, was extended at the request of the Regional Council to January 28, 1984.

A total of 19 letters were submitted in response to the **Federal Register** notice on amending the policy. The respondents included public utility districts, direct-service industries, investor-owned utilities, the Regional Council, State agencies, environmental groups, and other interested parties. In addition, a public meeting was held on November 15, 1983, to discuss technical aspects of the issues.

After careful consideration of all comments, the Administrator has decided that: (1) That final Billing Credits Policy be amended to require that resources other than conservation undergo a Regional Act cost-effectiveness analysis to determine their eligibility for a billing credit; and (2) conservation resources need not be shown to be cost-effective.

BPA believes that the question of a Regional Act cost-effectiveness analysis to determine the eligibility of a resource for a billing credit is a matter of policy, not of law. BPA believes that several factors must be weighed in this decision, including consistency among BPA policies, encouragement of regional conservation, and allowance of individual resource planning by local entities and customers. The needs of BPA customer groups who may participate in the billing credits program and the concerns of the Regional Council should also be factors in the decision.

Since BPA's original decision not to require a cost-effectiveness determination to establish the eligibility of a billing credit resource, many factors have changed. The most important factor is that the region is forecast to be in a period of prolonged energy surplus. BPA's original decision was designed to provide the largest possible pool of potential billing credit resources available to meet the region's energy needs. Since the region is now surplus, the imposition of a cost-effectiveness requirement, which would limit the available pool of resources eligible for a billing credit, is no longer a major consideration.

Additionally, when BPA wrote the Billing Credits Policy, the agency's cost-effectiveness policy was in early stages of development. Subsequently, BPA has done substantial work on developing a cost-effectiveness policy, using as a framework the definition in section 3(4) of the Regional Act. The cost-effectiveness policy should provide considerable flexibility in the determination of a resource's cost-effectiveness. Thus the concern that a cost-effectiveness requirement in the Billing Credits Policy might significantly hamper local initiative in resource development has been substantially assuaged.

BPA is continuing to develop its resource programs and policies. Cost effectiveness is a major tenet of all these programs except for research, development, demonstration projects, and for billing credits. The absence of a cost-effectiveness requirement in the Billing Credits Policy may raise questions of consistency among BPA programs.

BPA had a number of questions on the issue of whether to require a cost-effectiveness determination for conservation resources under billing credits.

In formulating the final Billing Credits Policy, BPA was particularly concerned about the effects of applying a cost-effectiveness standard to potential billing credit conservation resources. BPA believes that conservation resources already have significant restraints on their eligibility for a billing credit because of the requirement that these resources must be "independently undertaken." This precludes eligibility for a conservation measure contained in BPA's conservation programs.

The Regional Act requires that BPA acquire cost-effective conservation. Were BPA to apply a cost-effectiveness requirement to potential conservation billing credit resources, eventually few if any, measures would qualify for a billing credit because BPA would presumably have already included them in its conservation programs. A billing credit may be granted only for conservation measures or actions that go beyond BPA's programs to capture conservation that is presumably not cost-effective, at least on a regional basis. BPA believes that this is what Congress intended under the Regional Act. Not requiring a cost-effectiveness determination under billing credits for conservation resources would therefore be consistent with this legislative mandate.

II. Amended Language

The language changes follow. Deleted language is set within brackets. New or revised language is inserted and set within arrow marks.

Section 2: Definitions

Section 2, paragraph (r) is amended to include the following at the end of the definition of "cost-effective:"

►For purposes of this paragraph, the term "system cost" means an estimate of all direct costs of a measure or resource over its effective life, including, if applicable, the cost of distribution and transmission to the consumer and, among other factors, waste disposal costs, end-of-cycle costs, and fuel costs (including projected increases), and such quantifiable environmental costs and benefits as the Administrator determines, on the basis of a methodology developed by the Council as part of the plan, or in the absence of the plan by the Administrator, are directly attributable to such measure or resource.◄

►In determining the amount of power that a conservation measure or other resource may be expected to save or produce, the Council or the

Administrator, as the case may be, shall take into account projected realization factors and plant factors, including appropriate historical experience with similar measures or resources.◄

►For purposes of this paragraph, the "estimated incremental system cost" of any conservation measure or resource shall not be treated as greater than that of any nonconservation measure or resource unless the incremental system cost of such conservation measure nor resource is in excess of 110 per centum of the incremental system cost of the nonconservation measure or resource.◄

Section 5: Qualifying Renewable Resources

(Delete:)

[(2) In analyzing the environmental effects of a renewable resource, the Administrator shall take into account quantifiable environmental costs and benefits directly attributable to a resource.

(3) Neither the Administrator nor a customer seeking a billing credit need show that a renewable resource is cost-effective to be eligible for a billing credit.]

(Replace with:)

►(2) The Administrator may not grant a billing credit to a customer for a renewable resource until the resource is shown to be cost-effective.◄

The rest of section 5 is accordingly renumbered with section 5(b)(4) becoming section 5(b)(3).

Section 6: Qualifying Multipurpose Projects

(Delete:)

[(2) In analyzing the environmental effects of a multipurpose project, the Administrator shall take into account quantifiable environmental costs and benefits directly attributable to a project.

(3) Neither the Administrator nor a customer seeking a billing credit need show that a multipurpose project is cost-effective to be eligible for a billing credit.]

(Replace with:)

►(2) The Administrator may not grant a billing credit to a customer for a multipurpose project until the project is shown to be cost-effective.◄

The rest of section 6 is accordingly renumbered with section 6(b)(4) becoming section 6(b)(3).

Section 7: Other Qualifying Resources

(Delete:)

[(2) In analyzing the environmental effects of the resource, the Administrator shall take into account quantifiable environmental costs and benefits directly attributable to a resource.

(3) Neither the Administrator nor a customer seeking a billing credit need show that a resource is cost-effective to be eligible for a billing credit.]

(Replace with:)

►(2) The Administrator may not grant a billing credit to a customer for any other qualifying resource until the resource is shown to be cost-effective.◄

The rest of section 7 is accordingly renumbered with section 7(b)(4) becoming section 7(b)(3).

Issued in Portland, Oregon on August 22, 1984.

Robert E. Ratcliffe,

Acting Administrator.

[FR Doc. 84-23033 Filed 8-29-84; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-84-004; OFP Case Nos. 50076-9142-08, 09-22]

Order Granting Exemption; Municipal Light and Power, Anchorage, AK

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order Granting Municipal Light and Power, Anchorage, Alaska, Exemptions From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On February 3, 1984, Municipal Light and Power (ML&P), Anchorage, Alaska, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting permanent reliability of service exemptions for two proposed new electric powerplants from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or "the Act"). Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in any new electric powerplant and the construction of such a powerplant without the capability to use an alternate fuel as a primary energy source. Final rules setting forth the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. The final rules governing the reliability of service exemption, 10 CFR 503.40, were published at 46 FR 59872 (December 7, 1981).

The units for which ML&P seeks exemptions are two natural gas-fired combustion turbines with nameplate ratings of 80 MW each, that will operate in combined cycle with a heat recovery steam turbine unit (as a base load integrated system) to produce electrical power at the George M. Sullivan Generating Station, Anchorage, Alaska. The new units, identified as Units 8 and 9 (hereafter "Sullivan 8 and 9") are expected to commence operations to meet load forecast electrical demands commencing in 1984.

Pursuant to section 212(f) of the Act and 10 CFR 503.40, ERA hereby issues this order granting th ML&P permanent reliability of service exemptions from the prohibitions of FUA for its two proposed new electric powerplants, Sullivan 8 and 9, at the George M. Sullivan Generating Station.

The basis for ERA's order is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: In accordance with section 702(a) of FUA, this order and its provisions shall take effect on October 29, 1984.

FOR FURTHER INFORMATION CONTACT:

Robert A. McCann, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-073, Washington, D.C. 20585, Phone (202) 252-1649

Steven E. Ferguson, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6D-033, Washington, D.C. 20585, Phone (202) 252-6947

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for inspection upon request at the Department of Energy Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.-4:00 p.m.

SUPPLEMENTARY INFORMATION: ML&P proposes to install two new combustion turbine powerplant units, Sullivan 8 and 9, at its George M. Sullivan Generating Station, located in Anchorage, Alaska. The new units, together with a heat recovery steam unit, will operate as a base load integrated system, producing electricity to meet forecast demands, commencing with the winter of 1984-85.

Section 212(f) of FUA and 10 CFR 503.40 provide for a permanent exemption for powerplants necessary to maintain reliability of service. In addition, section 317 of Pub. L. 97-394 (42 U.S.C. 8322) provides that:

> In the case of any new electric power plant located in Alaska for which a petition is accepted after the date of enactment of this Act, but before December 31, 1985, pursuant to section 212(f) of the Powerplant and Industrial Fuel Use Act of 1978, to use natural

gas (as that term is defined in such Act), as a primary energy source in such power plant, the petitioner shall be deemed to have made the demonstrations required by clauses (1) and (2) of such section and such exemption, subject to the other application provisions of such Act, shall be granted by the Secretary of Energy. Nothing in this section shall apply to any new electric power plant using natural gas produced from the Prudhoe Bay unit of Alaska.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to Sullivan 8 and 9 in the **Federal Register** on June 12, 1984 (49 FR 24168) commencing a 45-day public comment period pursuant to section 701(c) of FUA. As required by section 701(f) of the Act, ERA provided a copy of ML&P's petition to the Environmental Protection Agency for its comments. During that period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed July 27, 1984. No comments were received and no hearing was requested.

In accordance with the requirements of 10 CFR 503.40 (a) and (c), ML&P's petition for permanent exemptions for Sullivan 8 and 9 included evidence and supporting information demonstrating that Sullivan 8 and 9 are qualifying powerplants under section 317 of Pub. L. 97–394; that no alternate power supply exists; and that the use of mixtures in the units is not feasible. In addition, ML&P submitted an environmental impact analysis, as required by 10 CFR 503.13.

NEPA Compliance

After review of ML&P's environmental impact analysis and other relevant information, ERA has determined that the granting of the requested exemptions would clearly not result in significant effects on the quality of the human environment, and, as such, requires neither an environmental impact statement nor an Environmental Assessment. ERA's compliance with the documentary requirements of the National Environmental Policy Act of 1969 (NEPA) have accordingly been satisfied by the preparation of a memorandum for the file in accordance with section A.3(c)(1) of DOE's NEPA guidelines.

Decision and Order

Accordingly, based upon the entire record of this proceeding, ERA has determined that ML&P has satisfied all of the eligibility requirements for the requested exemptions as set forth in 10 CFR 503.40, and pursuant to section 212(F) of FUA. ERA hereby grants ML&P permanent reliability of service exemptions for two new electric powerplants to be installed at the George M. Sullivan Generating Station, Anchorage, Alaska, permitting the use of natural gas or petroleum as a primary source in the units.

Pursant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this order may petition for judicial review at any time before the 60th day following the publication of this order in the **Federal Register**.

Issued in Wasington, D.C. on August 23, 1984.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84–23034 Filed 8–29–84; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP–649–000]

Colorado Interstate Gas Co.; Request Under Blanket Authorization

August 24, 1984.

Take notice that on August 14, 1984, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP84–649–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that CIG proposes to transport natural gas for an eligible end-user under the authorization issued in Docket No. CP83–21–000 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.

CIG proposes to transport up to 5,000 Mcf of natural gas per day for the account of NGL Production Company (NGL) pursuant to a gas transportation agreement (Agreement) dated July 3, 1984.

CIG states that it would transport the gas for the account of NGL from existing points of interconnection between the Montana-Dakota Utilities Company (Mondak) pipeline and the CIG pipeline in Park County, Wyoming, and Fremont County, Wyoming, to Northwest Pipeline Company (Northwest) in Sweetwater County, Wyoming, or at existing interconnections between Northwest and Mountain Fuel Resources (Mountain Fuel) in Sweetwater County, Wyoming, and Unitah County, Utah. The Mountain Fuel delivery points would only be used subject to mutual agreement of Northwest, CIG, and Mountain Fuel for specific periods of time and for agreed-upon volumes of gas, it is stated. CIG indicates there would be no additional cost to NGL or CIG for using these additional delivery points.

CIG states that the gas is purchased by Overthrust Gas Brokers Company (OGBC) from Cities Service Oil Company (Cities) and sold by OGBC to NGL pursuant to a gas purchase contract dated January 18, 1984. CIG indicates that NGL has agreed to pay OGBC $2.455 per million Btu for the gas which incudes OGBC's agency fee of 12.0 cents per million Btu and reimbursement of 23.5 cents per million Btu for Mondak's transportation charge incurred in delivering the gas to CIG.

CIG proposes to charge NGL a rate of 36.08 cents per Mcf plus and AIC charge of 2.5 cents per million Btu, it is indicated. These rates are set forth in CIG's Rate Schedule AIC–1 in CIG's FERC Gas Tariff, Original Volume No. 1, it is explained. CIG states that the proposed end-use of this gas is to replace fuel and shrinkage in the processing of Northwest's gas at NGL's processing plants.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursant 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. 84–23011 Filed 8–29–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–650–000]

Colorado Interstate Gas Co.; Request Under Blanket Authorization

August 24, 1984.

Take notice that on August 14, 1984, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No.

CP84–650–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that CIG proposes to transport gas on behalf of NGL Production Company (NGL) under authorization issued in Docket No. CP83–21–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with Commission and open to public inspection.

CIG proposes to transport up to 3,000 Mcf of natural gas per day for NGL for a term expiring June 30, 1985. It is stated that NGL would purchase the subject natural gas from Industrial Gas Services, Inc., at the outlet of the Raymer Plant in Weld County, Colorado. CIG states that Northwest Central Pipeline Corporation (Notherwest) would transport NGL's gas from the outlet of the Raymer Plant for delivery to CIG at existing points in Sweetwater, Wyoming. It is indicated that CIG would transport and deliver NGL's gas to Northwest at three existing points of delivery, two in Sweetwater County, Wyoming and one Uintah County, Utah. It is explained that the Uintah County and one of the Sweetwater County delivery points are where Northwest receives gas from Mountain Fuel Resources for the account of CIG. It is further stated that Northwest would transport and deliver NGL's gas to NGL's Foundation Creek, North Douglas Creek, and Moxa Arch processing plants located in Rio Blanco County, Colorado, and Lincoln County, Wyoming.

It is indicated that NGL would use the subject gas exclusively to help replace the fuel and shrinkage incurred in processing Northwest's gas at NGL's processing plants.

CIG proposes to charge NGL a transportation rate of 36.08 cents per Mcf plus an added incentive charge of 2.5 cents per million Btu. It is stated that the transportation rate is CIG's systemwide rate based upon the settled cost-of-service in Docket No. RP82–54 and that the rate is stated in CIG's Rate Schedule AIC–1 in in CIG's FERC Gas Tariff, Original Volume No. 1.

Any person or the Commission's staff may, within 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. 84–23012 Filed 8–29–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP63–272–000, et al.]

Consolidated Gas Transmission Corp.; Redesignation

August 27, 1984.

On June 1, 1984, Consolidated Gas Transmission Corporation filed in Docket No. CP63–272–000, *et al.*, a petition requesting that it be designated as holder of the effective Natural Gas Act certificates of public convenience and necessity issued to Consolidated Gas Supply Corporation. In accordance with a dissolution of the Consolidated Gas Supply Corporation and pursuant to authorization issued December 20, 1983, in Docket No. CP80–346–000, 25 FERC ¶61,397, the jurisdictional natural gas operations are to be conducted by and under the name of Consolidated Gas Transmission Corporation. By the order of December 20, 1983, the Commission reissued to Consolidated Gas Transmission Corporation the then-effective certificates of Consolidated Gas Supply Corporation. These are identified in the appendix hereto.

The applications currently pending before the Commission which were filed by Consolidated Gas Supply Corporation, the authorizations issued to Consolidated Gas Supply Corporation since December 20, 1983, the F.E.R.C. Gas Tariff on file, and any other records or proceedings relating to the former Consolidated Gas Supply Corporation are hereby redesignated as those of Consolidated Gas Transmission Corporation.

A listing of authorizations and pending proceedings is set forth in the appendix.

This action is taken pursuant to 18 CFR 375.302(s) of the Commission's rules.

Kenneth F. Plumb,

Secretary.

Appendix–Consolidated Gas Transmission Corporation

List of Certificates Issued Prior to December 20, 1983

CP63–272–000, CP63–285, CP63–302, CP63–311, CP64–35, CP64–56, CP65–394, CP66–45, CP66–225, CP66–250, CP66–290, CP66–343, CP67–6, CP67–40, CP67–212, CP67–254, CP67–307, CP67–328, CP67–372, CP68–9, CP68–113, CP68–260, CP68–281, CP68–298, CP68–315, CP69–17, CP69–78, CP69–87, CP69–92, CP69–120, CP69–207, CP69–235, CP69–242, CP69–253, CP69–264, CP69–274, CP69–286, CP26–292, CP69–308, CP70–31, CP70–170, CP70–215, CP70–227, CP70–250, CP70–263, CP71–17, CP71–46, CP71–100, CP71–101, CP71–102, CP71–103, CP71–104, CP71–105, CP71–212, CP71–251, CP72–40, CP72–173, CP72–183, CP72–203, CP72–213, CP72–249, CP72–250, CP72–300–015, CP72–303, CP73–146, CP73–242, CP73–288, CP73–313, CP74–9–000, CP74–34, CP74–168, CP74–229, CP74–249, CP74–268, CP74–276, CP75–4, CP75–5, CP75–8, CP75–22, CP75–158–006, CP75–233, CP75–259, CP75–260, CP76–5, CP76–180, CP76–260, CP76–265–002, CP76–294, CP76–295, CP76–396, CP77–144, CP77–201, CP77–205, CP77–257, CP77–336, CP77–355, CP77–372, CP77–538–001, CP77–585, CP78–22, CP78–55, CP78–141, CP78–143, CP78–161, CP78–225, CP78–269, CP78–288, CP78–289, CP78–377, CP78–394, CP78–479, CP78–506, CP78–529, CP79–26, CP79–92, CP79–132, CP79–190, CP79–193, CP79–228, CP79–272, CP79–319–002, CP79–333, CP79–370, CP79–419, CP80–44, CP80–121, CP80–208, CP80–223–001, CP80–260–004, CP80–266, CP80–292, CP80–293, CP80–296, CP80–299, CP80–307, CP80–330, CP80–375, CP80–385, CP80–442–000, CP80–455, CP80–486, CP81–179–000, CP81–187–000, CP81–188–004, CP81–244–000, CP81–277–002, CP81–284–000, CP81–285–000, CP81–289–000, CP81–385–000, CP81–407–000, CP81–447–000, CP81–452–000, CP81–464–000, CP81–519–000, CP81–528–000, CP82–10–000, CP82–11–001, CP82–61–001, CP82–113–000, CP82–135–000, CP82–162–000, CP82–187–001, CP82–191–001, CP82–195–000, CP82–277–000, CP82–353–000, CP82–381–002, CP82–415–000, CP82–531–000, CP82–537–000, CP82–557–000, CP83–3–000, CP83–52–000, CP83–82–000, CP83–176–001, CP83–177–000, CP83–338–000, CP83–382–000, CP83–386–000, CP83–403–004, CP83–460–000

Consolidated Gas Transmission Corporation

List of Certificates Issued Since December 20, 1983, and Pending Certificate Applications

CP81–31–002,
CP83–403–000,
CP83–410–003,
CP84–52–000,
CP84–126–000,
CP84–127–000,
CP84–274–000,

CP84-280-001,
CP84-300-000

Consolidated Gas Transmission Corporation

List of the Tariff, Rate, and Other Proceedings

RP67-2, RP69-10, RP69-19, RP70-2, RP71-52, RP71-71, RP71-77, RP71-126, RP72-29, RP72-34, RP72-43, RP72-47, RP72-57, RP72-10, RP72-11, RP72-124, RP72-141, RP73-2, RP73-25, RP73-26, RP73-27, RP73-28, RP73-29, RP73-30, RP73-31, RP73-32, RP73-33, RP73-34, RP73-56, RP73-67, RP73-81, RP73-107-008, RP73-115, RP74-32, RP74-38, RP74-67, RP74-90, RP75-5, RP75-11, RP75-14, RP75-18, RP75-91, RP76-72, RP77-7, RP77-29, RP77-39, RP77-140-000, RP78-52-015, RP79-22-015, RP79-47, RP79-73, RP80-12, RP80-52, RP80-16-015, RP80-67, RP80-116, RP81-12-000, RP81-63-000, RP81-77-000, RP81-80-009, RP81-114-005, RP82-30-000, RP82-64-000, RP82-115-000, RP83-92-000, RP83-126-000, RP84-23-002, RP84-35-001, TA80-1-22-000, TA80-2-22-003, TA81-1-22-000, TA81-2-22-000, TA82-1-22-000, TA82-2-22-005, TA83-1-22-000, TA83-2-22-004, TA84-1-22-005, TA84-2-22-001, TA78-11, TA79-31, TA79-100, TA80-6, TA80-29, TA81-29-000, TA82-17-000, TA83-7-000, SA80-9, GP80-12-002, GT81-4-000, GT83-24-000, ST80-100, ST81-196-000, ST81-260-000, ST82-273-000, ST83-64-000, ST83-71-000, ST83-120-000, ST83-259-000, ST83-266-000, ST83-456-000, ST83-757-000, ST83-758-000

Consolidated Gas Transmission Corporation

List of Pending Cases in Which Interventions Have Been Filed

Boundary Gas, Inc.

CP81-107-000

Tennessee Gas Pipeline Company

RP77-62, RP80-97, RP81-54-000, RP81-56-000, RP82-10-000, RP82-12-000, RP82-121-000, RP82-125-000, RP83-8-000, RP83-19-000, RP83-74-000, RP83-109-000, RP84-3-000, RP84-17-000, TA82-1-9-000, TA82-2-9-000, TA83-1-9-000, TA83-2-9-000 & 001, CI83-269-000, CI83-502-000

Tennessee-Boundary

CP81-296-000, CP82-470-000, CP82-544-000

Texas Eastern Transmission Corporation

RP74-41, RP79-28-002, RP81-81-000, RP83-109-000, RP83-9-000, RP83-102-000, RP82-446-000, RP83-224-000, TA83-2-17-000, TA84-1-17-000, TC82-42-000

Texas Gas Transmission Corporation

RP83-131-001, RP82-403-000, CP82-418-000, CP82-419-000, CP83-485-000, CP84-56-000, TA83-1-18-001, TA83-2-18-000 TA84-1-18-003

Transcontinental Gas Pipe Line Corporation

RP82-3-000, RP82-55-000, RP83-11-000, RP83-30-002, RP83-49-000, RP83-137-000, RP84-38-000, CP77-453, CP78-328-004, CP82-125-003, CP82-385-000, CP82-503-000, TA81-1-29-002, TA83-2-29-000

United Gas Pipe Line Company

RP82-16-000, RP82-57-000, RP83-52-000, RP83-53-000, RP83-118-000, RP84-42-000, CP83-397-000, TA82-2-11-000, TA83-1-11-000 TA84-1-11-000

Carnegie Natural Gas Company

CP84-61-000

Columbia Gas Transmission Corporation

CP84-38-000

High Island Offshore System

CP75-104

Northern Natural Gas Company

CP83-21-000

Pipeline Gas Cutback Procedures

RP83-124-000

[FR Doc. 84-23010 Filed 8-29-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-628-000]

Mountain Fuel Resources, Inc.; Application

August 24, 1984.

Take notice that on August 1, 1984, Mountain Fuel Resources, Inc. (Applicant), 79 South State Street, Salt Lake City, Utah 84147, filed in Docket No. CP84-628-000 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 one mainline tap and related facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate one three-inch tap and related metering and regulating facilities on its transmission Main Line No. 35 at an estimated cost of $63,588, to effect the delivery of natural gas to Mountain Fuel Supply Company (Mountain Fuel) under Rate Schedules CD-1 and X-33 of its FERC Gas Tariff for ultimate sale to Exxon Company, U.S.A. (Exxon). It is stated that deliveries of natural gas by Applicant to Mountain Fuel at the proposed mainline tap would enable Mountain Fuel to make a distribution sale of up to 2,300 Mcf per day to Exxon under Mountain Fuel's Public Service Commission of Wyoming tariff. It is explained that Exxon would use the gas to operate equipment, generate electricity and provide space heating during construction of its Shute Creek gas processing plant located in Lincoln County, Wyoming.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 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 to 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. 84-23013 Filed 8-29-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP73-289-004]

Natural Gas Pipeline Company of America; Petition To Amend

August 24, 1984.

Take notice that on August 2, 1984, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP73-289-004 a petition to amend the order issued December 10, 1973, as amended, in Docket No. CP73-289 pursuant to section 7 of the Natural Gas Act so as to authorize the exchange of natural gas between Natural and Texas Eastern Transmission Corporation (Texas Eastern) at additional points of delivery in Kenedy and Wharton Counties, Texas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Natural states that the December 10, 1973, order, as amended, authorizes the exchange of up to 15,000 Mcf of natural gas per day between Natural and Texas Eastern. Natural proposes that the order further be amended to provide two additional points of delivery. It is stated that a January 4, 1983, amendment to the exchange agreement between Natural and Texas Eastern provides for an additional point of delivery to Natural at the inlet of Natural's existing measurement facilities on the outlet of the Sarita Gasoline Plant located in Kenedy County, Texas. It is further stated that a September 15, 1983, amendment to the exchange agreement provides for an additional point of delivery to Natural at an existing interconnection of facilities between Tennessee Gas Piepline Company, a Division of Tenneco Inc., and Natural located near Hungerford, Wharton County, Texas. Exchange of natural gas at the Wharton delivery point was implemented under Order 60, it is explained.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 13, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-23015 Filed 8-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-644-000]

Natural Gas Pipeline Company of America; Request Under Blanket Authorization

August 24, 1984.

Take notice that on August 13, 1984, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP84-644-000 a request pursuant to § 157.205 of the Commission's Regulations that Natural proposes to construct and operate pipeline and appurtenant facilities in Vermilion Block 221 and extending to a point of connection with Stingray Pipeline Company's (Stingray) existing 20-inch pipeline in Vermilion, SA, Block 260, offshore Louisiana, under authorization issued in Docket No. CP82-402-000 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.

Natural states that it has contracted to purchase natural gas to be produced by Shell Offshore, Inc. (Shell), in Vermilion Blocks 220 and 221. Natural estimates that the proved and probable reserves in Blocks 220 and 221 are approximately 138,000,000 Mcf of gas of which approximately 93,000,000 Mcf are dedicated to Natural. In order to effect the delivery of this gas onshore, Natural proposes to construct and operate approximately 13.3 miles of 12¾-inch lateral, a dual 8-inch measuring facility, 12-inch tie-in and appurtenant facilities required to connect Shell's platform in Vermilion Block 221 to a point of connection with Stingray's existing 20-inch pipeline in Vermilion, SA, Block 260, offshore Louisiana. Stingray would transport and redeliver onshore such gas to Natural pursuant to Natural's entitlements under Stingray's presently effective Rate Schedule T-1, it is explained.

Natural states that the estimated cost of the project is $8,580,000 which would be financed initially with funds on hand, with permanent financing being undertaken as part of Natural's overall long term financing program.

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 therefore, 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. 84-23016 Filed 8-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-627-000]

Northwest Central Pipeline Corp.; Request Under Blanket Authorization

August 24, 1984.

Take notice that on August 1, 1984, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP84-627-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Northwest Central proposes to transport gas on behalf of NGL Production Company (NGL) under authorization issued in Docket No. CP82-479-000 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.

Northwest Central proposes to transport up to 3 billion Btu of natural gas per day for NGL for a term expiring June 30, 1985. It is stated that NGL would purchase the subject natural gas from Industrial Gas Services, Inc., at the outlet of the New Raymer Plant in Weld County, Colorado. Northwest Central states that the gas to be purchased by NGL involves gas supplies released by Northwest Central. It is indicated that this gas would be delivered into Northwest Central's pipeline at an existing point of interconnection and then would be redelivered to Colorado Interstate Gas Company (CIG) for Northwest Pipeline Corporation's (Northwest) account, on behalf of NGL, at two existing points of connection in Sweetwater County, Wyoming. It is stated the CIG would redeliver NGL's gas to Northwest at existing points of connection in Sweetwater County,

Wyoming, or Uintah County, Utah. It is further stated that Northwest would then redeliver thermally equivalent volumes of gas, less fuel, to NGL's Foundation Creek, North Douglas Creek and Moxa Arch processing plants located on Northwest's facilities in Rio Blanco County, Colorado, and Lincoln County, Wyoming.

It is indicated that NGL would use the subject gas exclusively to help replace the fuel and shrinkage incurred in processing Northwest's gas at NGL's processing plants.

Northwest Central proposes to charge NGL in accordance with the then effective rates and provisions, including added incentive charge, set forth in Northwest Central's FERC Gas Tariff, Original Volume No. 2.

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 Regulation 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. 84-23017 Filed 8-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP84-475-000 and CP84-475-001]

Northwest Pipeline Corp.; Request Under Blanket Authorization

August 24, 1984.

Take notice that on June 11, 1984, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP84-75-000, a request as amended on July 30, 1984, in Docket No. CP84-475-001, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Northwest proposes to transport natural gas on behalf of NGL Production Company (NGL) 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 which is on file with the Commission and open to public inspection.

Northwest proposes to transport up to 3 billion Btu per day of natural gas for NGL for a term expiring June 30, 1985. The request indicates that the natural gas to be transported would be purchased from Industrial Gas Services, Inc., by NGL, at the outlet of the Raymer Plant in Weld County, Colorado, and would be used to replace fuel and shrinkage incurred in the processing of Northwest's gas at NGL's processing plants.

Nothwest states that Northwest Central Pipeline Corporation would transport NGL's gas from the outlet of the Raymer Plant for delivery to Colorado Interstate Gas Company (CIG) at existing points in Sweetwater County, Wyoming, and that CIG would then transport and deliver NGL's gas to Northwest in Sweetwater County, Wyoming, or Uintah County, Utah. It is further stated that Northwest would transport and deliver NGL's gas to NGL's Foundation Creek, North Douglas Creek and Moxa Arch processing plants located in Rio Blanco County, Colorado, and Lincoln County, Wyoming.

Northwest proposes to charge NGL a mainline transportation rate of either 1.25 cents of 2.50 cents per million Btu depending on which processing plant the gas is delivered, an added incentive charge of 2.5 cents per million Btu and a GRI adjustment of 1.18 cents per million Btu. Northwest also proposes to retain 0.83 percent of the quantities transported as reimbursement for mainline fuel usage.

Any person of 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 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. 84-23018 Filed 8-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-647-000]

Western Gas Interstate Co.; Application

August 24, 1984.

Take notice that on August 13, 1984, Western Gas Interstate Company (Western), 400 West 15th Street, Suite 900, Austin, Texas 78701, filed in Docket No. CP84-647-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an off-system limited-term sale of natural gas to Southern Union Gas Company, a division of Southern Union Company (SUG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

During the one year term of the gas sales agreement, dated August 8, 1984, between SUG and Western, Western proposes to sell to SUG up to 2,200,000 Mcf of natural gas on a best-efforts, interruptible basis, at a maximum daily volume of 10,000 Mcf. Western states that the gas would be used in SUG's Austin, Texas, area distribution system. It is explained that the gas sales agreement is effective on the date of initial delivery of gas after Western and other parties providing transportation of the gas to Austin, Texas, receive acceptable Commission authorization to sell or transport the gas. Western proposes to deliver the sales volumes to a point on Panhandle Eastern Pipe Line Company's (Panhandle Eastern) pipeline located in Section 25, T4N, R22ECM, Beaver County, Oklahoma, for transportion by Panhandle Eastern to the Diamond Shamrock McKee processing plant (McKee Plant) located in Section 399, Blk, 44, H&TC Railroad Survey, Moore County, Texas. Western requests authority to sell the gas to SUG at Northern Natural Gas Company, Division of InterNorth, Inc.'s (Northern), pipeline facilities at the outlet of the McKee Plant. The gas would be tranported to Austin for SUG's account by Northern and Valero Transmission Company, it is submitted.

Western states that the proposed sale of SUG would be at a price which is the higher of the weighted average cost per Mcf of gas receivable from inventory under the Panhandle Eastern and Phillips Petroleum Company (Phillips) exchange banks or Western's weighted average cost per Mcf of gas for its Northern Division as included in its currently effective purchased gas adjustment.

Western further states that it entered into the gas sales agreement with SUG in order to relieve the excess deliverability on its system attributable to the imbalance volumes which have built up under the aforementioned exchange agreements with Panhandle Eastern and Phillips. Western indicates that gas would be made available to SUG only during periods when Western is not allocating quantities of gas on its system pursuant to the curtailment provisions of its FERC Gas Tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 13, 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 section 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 Western to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-23019 Filed 8-29-84; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $165,068.21 in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings. involving the following parties: Bayside Fuel Oil Depot Corporation (Case No. HEF-0035), Butler Petroleum Corporation (Case No. HEF-0046), Central Oil Company (Case No. HEF-0047), and Lawrence H. Glover (Case No. HEF-0081).

DATES AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to the applicable case number.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to four Consent Orders entered into by the DOE and the following parties: Bayside Fuel Oil Depot Corporation, Butler Petroleum Corporation, Central Oil Company, and Lawrence H. Glover (the consent order firms). These Consent Orders settled possible pricing violations in the firms' sales of refined petroleum products to customers during the consent order periods referred to in Appendix A to the Proposed Decision.

The Proposed decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow accounts funded by the consent order firms pursuant to the four Consent Orders. The DOE has tentatively decided that these consent order funds should be distributed to those customers of the consent order firms who establish that they were injured by the firm's alleged overcharges. Such customers will receive refunds proportionate to the volume of motor gasoline they purchased from the consent order firm. However, Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. 20585

Dated: August 23, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

August 23, 1984.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Case: Bayside Fuel Oil Depot Corporation, Butler Petroleum Corporation, Central Oil Company, Lawrence H. Glover.

Date of Filing: October 13, 1983

Case Numbers: HEF-0035, HEF-0046, HEF-0047, HEF-0081.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) of the DOE may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. The ERA filed such a petition October 13, 1983, requesting that OHA implement special refund proceedings to distribute the funds received pursuant to Consent Orders entered into by the DOE and the following parties: Bayside Fuel Oil Depot Corporation (Bayside), Butler Petroleum Corporation (Butler), Central Oil Company (Central), and Lawrence H. Glover (Glover) (*1*) (collectively referred to in this Proposed Decision as the consent order firms).

I. Background

Each of the consent order firms is a "reseller-retailer" of "refined petroleum products" as those terms were defined in 10 CFR 212.31. ERA audits of the consent order firms revealed possible pricing violations of the Mandatory Petroleum Price Regulations. Subsequently, each of these firms entered into a separate Consent Order with the DOE in order to settle its disputes with the DOE concerning certain sales of refined petroleum products. Pursuant to these Consent Orders, the firms agreed to pay to the DOE specified amounts in settlement of their potential liability with respect to sales to their respective customers during the consent order periods. The firms' payments are currently being held in separate interest-bearing escrow accounts pending distribution by the DOE. The names and locations of the firms, the settlement amounts, the products covered by the Consent Orders, and the dates of the consent order periods are set forth in Appendix A to this Proposed Decision.

The procedural regulations of the DOE set forth general guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to readily identify persons who may have been injured by alleged or adjudicated violations, or ascertain the amounts of such persons' injuries. For a more detailed discussion of Subpart V and the authority of the Office of Hearings and Appeals to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement,* 9 DOE ¶ 82,553 (1982); *Office of Enforcement,* 9 DOE ¶ 82,508 (1981); *Office of Enforcement,* 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers*).

II. Proposed Refund Procedures

We have considered the ERA petition to implement Subpart V proceedings with respect to the four consent order funds and have determined that it is appropriate to establish such proceedings. In so far as possible, the consent order funds should be distributed to those customers of the consent order firms who absorbed (or were injured by) the consent order firms' price increases which allegedly were in violation of DOE regulations. The ERA audit files identify a number of customers that purchased refined petroleum products directly from the consent order firms during the audit periods. (*2*) Their names are set forth in Appendix B. While no specific alleged overcharge amounts are indicated for these customers, in our view they may well have been adversely affected by any alleged overcharges by the consent order firms and should be given notice of this proceeding and an opportunity to request a refund. We also recognize, however, that there may be other purchasers of petroleum products from the consent order firms who were not mentioned in the ERA audit files and who may have been injured by the pricing practices of one of the consent order firms during the relevant consent order period. We therefore propose to establish a claims procedure in which we will accept applications for refund from customers, including those not listed in Appendix B, who can demonstrate that they were injured as a result of any alleged overcharges made by one of the consent order firms during the appropriate consent order period. (*3*)

Many of the consent order firms' customers listed in Appendix B appear to be petroleum product resellers, i.e., retailers and wholesalers. We propose that these firms and other claimants who resold the refined petroleum products they purchased from one of the consent order firms be required to demonstrate that they did not pass on to their customers the price increases implemented by the firm. *See, e.g., Vickers.* In other words, resellers of a consent order firm's products will be required to demonstrate that during the relevant consent order period they would have maintained their prices for the petroleum product at the same level had the alleged overcharges not occurred. While there are a variety of ways to make this showing, a reseller should generally demonstrate that at the time it purchased refined petroleum products from a consent order firm, market conditions would not permit it to increase its prices to pass through the additional costs associated with the alleged overcharges to its customers. In addition, the reseller must show that it maintained a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices. The maintenance of a bank will not, however, automatically establish injury. *See Tenneco Oil Co./Chevron U.S.A., Inc.,* 10 DOE ¶ 85,014 (1982); *Vickers Energy Corp./Standard Oil Co.,* 10 DOE ¶ 85,036 (1982); *Vickers Energy Corp./Koch Industries, Inc.,* 10 DOE ¶ 85,038 (1982).

We recognize that the type of showing referred to above may be too complicated and burdensome for resellers which purchased relatively small amounts of refined petroleum products from a consent order firm. For example, some firms may lack all of the records necessary to prove that they did not pass through the alleged overcharges to their customers. Firms also may be discouraged from filing an application where the cost of compiling the necessary information is high relative to the amount of their potential refund. Therefore, after examining the records in each of the cases involved in this proceeding to assess the difficulty firms will have in gathering the data necessary to file an application, we propose that a reseller whose average monthly purchases of a consent order firm's refined petroleum products during the relevant consent order period are less than or equal to the threshold level specified in Appendix A not be required to present a detailed showing of injury and be presumed to have been adversely affected by any alleged overcharges.(*4*) *See, e.g., Office of Special Counsel,* 9 DOE ¶ 82,538 (1982); *Vickers.* The threshold levels established in these cases vary because of different circumstances presented in each case.(*5*) Applicants whose purchases fall below the threshold level need only submit information documenting the amount of refined petroleum products purchased from the consent order firm during the appropriate consent order period in order to demonstrate injury and to receive a refund.

Many of the consent order firms' customers listed in Appendix B appear to the ultimate consumers (end-users) of the petroleum products they purchased from the consent order firms. Our experience in prior refund proceedings leads us to conclude that this category of customers absorbed the consent order firms' alleged overcharges and have thereby been injured, since they did not resell the covered products they purchased, and they were not subject to federal energy regulations. *See Marion Corp.,* 12 DOE ¶ 85,014 (1984); *Union Texas Petroleum Corp.,* 6 Fed. Energy Guidelines ¶ 90,052 (1984) (Proposed Decision); *Standard Oil Co. (Indiana)/ Union Camp Corp.* 11 DOE ¶ 85,007 (1983). We therefore propose that to receive a refund, these applicants only be required to submit information concerning the volume of their purchases from the consent order firm during the appropriate consent order period.

We also propose that firms that made only spot purchases from one of the consent order firms be presumed to have suffered no injury. They would therefore be ineligible for any refund, even a

refund at or below the threshold level. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firms' product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97. The same rationale holds true in the present case. Accordingly, in order to overcome the rebuttable presumption that they were not injured, in addition to the proof of injury required of those resellers claiming more than the threshold amount, any reseller claimants who were spot purchasers must submit additional evidence to establish that they were unable to recover the product prices they paid to the consent order firms. *See Office of Special Counsel*, 10 DOE ¶ 85,048 at 88,200 (1982) (hereinafter cited as *Amoco*).

III. Calculation of Refund Amounts

We must further determine the proper method for dividing each of the four consent order funds among successful applicants. In many Subpart V proceedings we have based the refund amount on the volume of petroleum products which an applicant purchased from a consent order firm. *See Amoco; Vickers*. Under this method, we presume that the alleged overcharges were spread equally among all gallons of product sold which were covered by the consent order. We believe that generally this volumetric approach generally provides an equitable framework for refunds where the ERA audit file does not specify individual overcharge amounts for each of a firm's customers. *See Amoco*. The volumetric method also is easy to administer and allows applicants to compute readily the size of their potential refund and thereby make an informed choice on whether to file an application. Since in the present case the information available in the ERA audit files is insufficient to base refunds on the amount each individual applicant was allegedly overcharged, we propose to use the volumetric method to allocate the four consent order funds.(6)

To determine the volumetric factor, each consent order fund will be divided by the estimated total volume of refined petroleum products sold by the consent order firm during the relevant consent order period.(7) The volumetric refund amounts are set forth in Appendix A.(8) In each case, this results in a refund amount for each gallon of refined petroleum products which an applicant purchased from the consent order firm. The interest which has accrued on the money in each escrow account will be distributed to each successful claimant in proportion to its refund amount.

We further propose to establish a minimum amount of $15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15.00 outweighs the benefits of restitution in those situations. *See, e.g., Amoco; Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). *See also* 10 CFR 205.286(b).

Refund applications in these proceedings should not be filed until issuance of a final Decision and Order. Detailed procedures for filing applications will be provided in the final Decision and Order. Before disposing of any of the funds received, we intend to publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing copies of the proposed and final decisions in the Federal Register, copies will be provided to the consent order firms' customers whose names and addresses we have obtained from the ERA audit files. If appropriate, we also intend to publicize this proceeding in local newspapers in the areas where the consent order firms conducted business.

In the event that money remains after all first stage claims have been disposed of, these funds could be distributed in various ways. We will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed.

It Is Therefore Ordered That:

The refund amounts remitted to the Department of Energy by the consent order firms listed in Appendix A to this Decision and Order will be distributed in accordance with the foregoing determination.

Footnotes

(1) The DOE entered into the Glover Consent Order with Lawrence H. Glover and three other individuals: Ruth H. Glover, Terry Malcolm, and Berna Eich.

(2) With regard to the Glover consent order, the record indicates that Glover had five classes of purchaser during the consent order period: Wholesale customers (those who resold the propane they bought from Glover), residential metered customers (individual end-users whose purchasers were gauged using a meter), industrial metered customers (commercial end-users whose purchase were gauged using a meter), cylinder customers (end-users who purchsesd 100 lb. cylinders of propane from Glover), and bulk customers (end-users who made bulk purchasers from Glover). However, the Glover Consent Order applies only to the firm's sales to its bulk class of purchaser. Therefore only customers within that class will be eligible for a refund from the Glover consent order fund.

(3) The Bayside Consent Order required Bayside to refund $618 directly to the Environmental Protection Agency of the City of New York (EPA/NYC). This sum represents a pro rata portion of the amount Bayside allegedly overcharged EPA/NYC during the period November 1, 1973 through March 12, 1974, according to a Notice of Probable Violation issued to Bayside on February 6, 1979. In light of this direct refund by Bayside, we propose that EPA/NYC be ineligible for a further refund based on its purchases during that period. EPA/NYC is eligible, however, to apply for a refund based on any purchases it made from Bayside during the remainder of the Bayside consent order period, March 13, 1974 through April 30, 1974.

(4) As stated in previous Decisions, the purpose of the DOE special refund procedures is to provide an efficient and equitable mechanisim for refunding money to parties who were injured by adjudicated or alleged overcharges. *See, e.g., Office of Enforcement*, 9 DOE ¶ 82,508 (1981). To this end, the DOE regulations governing special refund procedures provide that:

> In establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumption of injury with regard to resellers who purchased small volumes of the consent order firms refined petroleum products is consistent with these principles. It reduces the amount of information these firms must submit with their applications, operates to distribute refunds as widely as possible to the affected class, and reduces administrative costs of processing small claims.

(5) In determining the threshold in each case, we have taken into consideration the difficulty resellers would have in compiling the records necessary to establish injury above the threshold level and the total amount of the refund to which such firms would be entitled to receive at the threshold level. Specifically, we have considered the volumetric refund factor (see part III the Decision), the length of time since the consent order period, and the number of months in the consent order period.

As in prior refund cases, resellers whose average monthly purchases during the period for which a refund is claimed exceed the threshold level may elect to apply for a refund based on the threshold amount.

(6) The volumetric method proposed in these proceedings represents a presumption as to the allocation of alleged overcharges among a consent order firm's customers. Any applicant that believes that it bore a disproportionate percentage of alleged overcharges resulting in economic injury greater than the volumetric amount may submit information to support its claim. *See*

Amoco, 10 DOE at 88,199; *Hendel's Inc.*, Case No. HEF0089 (July 26, 1984) (Proposed Decision).

(7) Because the ERA audit files do not list the volume of refined petroleum products sold by Butler and Bayside for the entire consent order periods, we have extrapolated sales figures for these firms from the available audit data.

(8) The Central Consent Order calls for Central to remit $54,799.12 to the DOE in four yearly installments from October 1, 1979 through October 1, 1982. As of June 30, 1984, however, Central has paid only $41,099.34. If Central does not remit the remainder of the consent order monies before the processing of refund applications in this proceeding, refunds to Central's customers may have to be reduced proportionally. For this reason, no refunds will be distributed from the Central escrow fund until after the close of the period for filing refund applications.

APPENDIX A

Name of firm	Consent order period	Consent order amount	Products covered	Volumetric amount	Threshold amount (gallons per month)
Bayside Fuel Oil Depot Corp., Brooklyn, NY.	Nov. 1, 1973 to Apr. 30, 1974.	$51,727.00	No. 2 heating oil	$0.001380	125,000
Butler Petroleum Corp., Butler, PA.	Oct. 1, 1973 to Sept. 16, 1979.	13,500.00	Motor gasoline	.0002844	75,000
Central Oil Co., Raynham, MA	Nov. 1, 1973 to Oct. 3, 1974.	54,799.12	Motor gasoline, No. 2 heating oil.	.01734	50,000
Lawrence H. Glover, Patchogue, NY.	Nov. 1, 1973 to Feb. 28, 1976.	45,042.09	Propane (retail bulk class).	.01926	25,000

Appendix B–1

Bayside Fuel Oil Depot Corp.

AR Fuel
Bandolene Fuel
Bayside Fuel Oil
Blue Diamond
Cameo Coal Fuel
Carrier Fuel
City of New York Environmental Protection Agency
Empire State
Greater Fuel Corp.
Heatfast Fuel Oil
LaForgia Fuel
S.J. Minerva
Osher & Reiss
Radisch Bros.
V. Savino
Sco Fuel
Trojan Fuel Oil
Troy Fuel

Appendix B–2

Butler Petroleum Corp.

Anderson Car Wash
Anderson Service
Anderson's Texaco
Leroy Andrews
Anke Excavating
Ariaco
Arts Country Store
Tom Barger
Beale's
J.M. Beatty
George Beck's Wholesale
Begger
Jim Benton
Tom Berger
Best Tire
Beverage Management
Bill's Tire
Bi-Rite Oil Company
Brayman Construction Co.
Buchler Trucking
Randy Burr
Peter Busi
Butler Vulcanizing
Calvin Texaco
Roger Cameron
John Campbell
E. Carben
Carneis
Castle Rubber
Cirilla's
Clinton Oil
Dean Cooper
Wade Cooper
Bill Coring
Corner's
Crarajis
Crevar Brothers
Edwards
Elias
R. Elliott
Fardily Tire Sales
Fawley's
Fisher
Five Points
Flanders
Garzoney Texaco
Greater Pittsburgh Service Corp.
Group Service Station
Paul Haas
Hammond Garage
Hartman Oil
Helfrich
Henning
Herits
Bill Hesidence
Highland Paving
Chuck Holben
Homewood Garage
Hummel's
Hunter's Tire Sales
Irwin's Rustproofing
J&D Texaco
Jenkins Car Wash
Jernis Airsound
Joe's Texaco
Jean Kaiser
Kissick
Edward Kudlac
Klug
Kyle's
Laasky
Lambert's Texaco
Don Lenning
Rodney Lipsomb
F. Crimchen
Croup's Texaco
D&S Oil
Darrow Marina
Dave's Marina
William Davis
Dibello Service
Tom Dixon
Eckrich
Debra Manuel
Lou Magnatta
Mark Lines
Martin Tire
M. Mastows
Melin & Son
Mike's & Sons
Moran Carpets
Morgan's East
Morgan's North
Morgan's West
M. Mostowy
Muddy Creak Twp.
Northway Car Wash
Novak's
Osborne Builders
P. Olfe
Oxygen Emergency Supply Co.
David Pollick
Presto Texaco
Sam Price
Prior's Truck Stop
Edward Rapur
Jerry Rice's Service
Rikal's
C.H. Riley
C.L. Risch
Risch Store
Riverside Car Wash
Rod's Texaco
Roger's Texaco
Ruffer
L. Saaliner
Sachan
Logan Farm
M&S Backhow
Mike Mastoway
McClarin
L. McGinnis
McKissick
McNeilly Car Wash
Fred Mackey
Macko Texaco
K. McKossick
Main Street Texaco
Schubert's
Mel Schwartz
Seaham
Sechen Limestone
Seven-Eleven #115
Seven-Eleven #128
Seven-Eleven Indiana
Seven-Eleven Neville Island
George Shockey
Skander Tire
Carl Smith
Larry Smith
Neil Snyder
Soldshetter
Leroy Spalinger
Star Glo Car Wash

Stewart Bee
Sutton's Gas-O-Mat
Neil Szcyski
Thomas
Dave Trapina
Wexford Tire Company
Twin Willows
V.W. Williams
Voelker
Vurko
Zanella's
Zapps
Zapsick
Zassick
Zekler

Appendix B–3

Central Oil Company

Airport Service Station
Albert's Service Station
L.G. Balfour Co.
Belmiro Barros
Belben's Service Station
Berkley Common Garage
Bernard's Service Station
Biss Lumber Co., Inc.
Bridgewater Motor Sales, Inc.
Caffee Farm
Captain Bub's Marina
Cataloni's Service Station
A.L. Cedergren
Chickering's Sunnyside Station
Cobb's General Store
Coffee Service, Inc. (C&F Foods)
Crosby's Service Station
Arthur DeMattos
Easton Country Club, Inc.
John M. Evangelho
Fagerberg's Garage
John Fernandes
Ferriera Farms
Ben Flint
G&B Welding
Antone Gomes
Hallock's Puritan Market
O.H. Hansen
Harodite Company
Ralph S. Hayward
Kenneth Horton
Hotz Brothers Mink Farm
William Houghton
Instron Corporation
J.&R. Farm, Inc.
Jackson Brothers
Kris Getty
A.C. Lawton
Linton's Variety
Marion Lumber Co.
O.J. Moitoza
Howard D. Moquin
C.M. Munroe
Murphy's Garage
Nemasket Bottling
Norton Center Garage
Norton Golf Course
Antone Oliveira
Roy C. Oman
Orsine's Garage
Poquoy Brook Country Club
Joseph Quintal
Robertson Homes, Inc.
Rock Village Store
Ruggiero's Service Station
E. Sabalewski
Scott's Service Station
Segransett Country Club
Arthur M. Sharp
Simond's Garage
South Main Street Variety
Souza Brothers
Stanley's Motor Sales
Merle Stetson
S&S Lumber Company
Super Tire
Arthur Turner
Ventura Grain Co., Inc.
Westville Garage
Wiksten Brothers Dairy
Willow Tree Poultry Farm
Russell W. Wilson
Winner's Circle

Appendix B–4

Lawrence H. Glover

Joseph Biscay
Robert Brandt
Grady Brooks
Silas Coleman
George Dorsett
Albert Evans
D. Miller
Simmons
N. Stevenson
Mozell Walker
James Wilson

[FR Doc. 84–23117 Filed 8–29–84; 8:45 am]
BILLING CODE 6450–01–M

Issuance of Proposed Decisions and Orders by the Office of Hearings and Appeals; Period of July 9 Through August 3, 1984

During the period of July 9 through August 3, 1984, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: August 22, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

Otis Ainsworth, Laurel, Mississippi; HEE–0066, crude oil

Otis Ainsworth filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. In its exception application, Ainsworth requested retroactive exception relief which, if granted, would permit the firm to retain allegedly excessive revenues received in sales of crude oil during the period of September 1973 through December 1977. In considering the exception request, the Department of Energy noted that Ainsworth's Application for Exception was filed in response to a pending DOE enforcement proceeding (Case No. BRO–0552) involving alleged crude oil pricing violations during the stated time period. The DOE determined that Ainsworth had inordinately delayed its request for retroactive exception relief from the price regulations, and that an award of such relief at a late stage of an enforcement proceeding would result in considerable prejudice to the DOE in its enforcement efforts. Since an Application for Exception is a proceeding in equity, the DOE concluded that the equitable doctrine of laches is applicable and bars Ainsworth's dilatory claim for retroactive exception relief. Accordingly, on August 3, 1984, the DOE issued a Proposed Decision and Order which determined that the exception request be denied. The proposed determination signifies a more stringent approach by the DOE in evaluating Applications for Exception that involve requests for retroactive exception relief from DOE price regulations engendered in response to enforcement proceedings.

Three L, Inc., Houston, Texas; HEE–0093, reporting requirements

Three L, Inc. filed an Application for Exception from the obligation to file Form EIA–782B. The exception request, if granted, would exempt Three L from that requirement. On August 3, 1984, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted to the extent that Three L be allowed to file simplified reports using estimates based on previously submitted data.

[FR Doc. 84–23116 Filed 8–29–84; 8:45 am]
BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51526; TSH-FRL 2623-5]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 84-18049 beginning on page 28614 in the issue of Friday, July 13, 1984, make the following correction: In the second column of page 28614, the second word in the fourth line under the heading "PMN 84-872" should read "tin".

BILLING CODE 1505-01-M

[OPTS-51527; FRL-2628-7]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 84-18601, beginning on page 28616 in the issue of Friday, July 13, 1984, make the following corrections: On page 28617, the last word in the next to last line of the first column should read "Hexabromodiphenyl".

BILLING CODE 1505-01-M

[OPTS-53062; FRL-2626-8]

Premanufacture Notices; Monthly Status Report for May 1984

Correction

In FR Doc. 84-18315, beginning on page 28439 in the issue of Thursday, July 12, 1984, make the following corrections:

1. On page 28441, in the second column of Table I, in the first through fifth lines under the subheading "Identity and generic name," the word "hydroxyl" should read "hydroxy".

2. On page 28442, in the second column of Table III, under the subheading "Identity and generic name," the 19th line from the bottom should read "Generic name: Modified acrylic resin."

3. On page 28443, in the second column of Table II, under the subheading "Identity and generic name," the first word in the ninth line from the bottom should read "Cyano" and the fourth word in the forty-second line from the bottom should read "diethylaminoethylether".

4. On page 28445, in the second column of Table V, the third word in the twenty-first line under the subheading "Identity and generic name" should read "Chromium," the last word in the thirty-fourth line under the same subheading should read "hydroxyphenylazo", and the bracketed portion of the thirteenth line from the bottom should read, "[1-OXO-2-propenyl) OXY]".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

August 23, 1984.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of the submission are available from Doris Peacock, Agency Clearance Officer, (202) 632-7513. Persons wishing to comment on this information collection should contact Martin Wagner, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB No.: 3060-0010
Title: Ownership Report
Form No.: FCC 323
Action: Revision
Respondents: All AM, FM, and TV licensees/permittees, with the exception of sole proprietorship and 50/50 ownership
Estimated Annual Burden: 2,616; Responses: 18,312 Hours.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-23031 Filed 8-29-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 84-796 and 84-797; File Nos. BRH-820802D3 and BPH-821101BA]

Darrel Peters Productions, Inc. and Midwest Broadcast Associates, Ltd.; Hearing Designation Order

In re application of Darrel Peters Productions, Inc.; HAS: Station WSEX (FM), Arlington Heights, Illinois, 92.7 MHz, Channel 224A, 3.0 kW (H&V), 300 feet; for renewal of license (MM Docket No. 84-796; File No. BRH-820802D3) and Midwest Broadcast Associates, Ltd.; req: Arlington Heights, Illinois, 92.7 MHz, Channel 224A, 3.0 kW (H&V), 300 feet, for construction permit for a new FM station (MM Docket No. 84-797; File No.BPH-821101BA).

Adopted: August 7, 1984.
Released: August 24, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of (i) Darrel Peters Productions, Inc., (Peters) for renewal of license of WSEX(FM),[1] Arlington Heights, Illinois; (ii) Midwest Broadcast Associates, Ltd. (MBA), for a construction permit for a new FM station on the channel presently occupied by WSEX(FM); (iii) a "Motion for Expedited Grant of Application" filed by MBA; (iv) an Opposition filed by Peters; and (v) other related pleadings.

2. On August 2, 1982, Radio Communications Group, Ltd. (RCG) filed an application for renewal of license for WTCO(FM) (now WSEX(FM)). An application for assignment of RCG's license to Peters was pending. The assignment application was granted by the Commission and on September 14, 1982, Peters consummated the assignment of license. Peters informed the Commission of the consummatiion of the assignment by letter dated September 18, 1982. On December 13, 1982, Peters filed an amendment to the renewal application substituting itself for RCG. MBA argues that RCG ceased being the licensee of WTCO(FM) on September 14, 1982, and that the failure to file an amendment or new renewal application substituting Peters for RCG prior to December 1, 1982, allowed the license to automatically expire and precludes Peters from now prosecuting the application. Therefore, MBA argues that since its application for an authorization to operate on 92.7 MHz at Arlington Heights, Illinois, the "Motion for Expedited Grant" of its application for construction permit should be granted. In opposition, Peters contends that, as the Commission-approved assignee of the license, it is the successor-in-interest to all authorizations and applications in effect or pending at the time it became licensee; that it has prosecuted the application in good faith; and that the failure to amend the pending renewal application prior to December 1, 1982, did not automatically terminate the license.

3. It is well settled that a broadcast authorization does not automatically lapse or terminate. Instead, an authorization to broadcast will terminate *only* upon the abandonment of the broadcast operation by the permittee or by an adverse administrative action by this Commission specifically terminating the authorization. *Mass Communications, Inc.* v. *F.C.C.*, 266 F. 2d 681 (D.C. Cir. 1959), *cert. denied*, 361 U.S. 828 (1959). In

[1] On January 24, 1983 the Commission granted Peters' request to change the call sign of the station from WTCO(FM) to WSEX(FM).

the instant case, there has been no adverse administrative action against Peters, and Peters has not abandoned the operation of WSEX(FM) or prosecution of its renewal application. *Cf., MG-TV Broadcasting Co.* v. *F.C.C.*, 408 F. 2d 1257 (D.C. Cir 1968). Accordingly, MBA's "Motion for Expedited Grant" is without merit and, therefore, is dismissed.

4. Both applicants are qualified to operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

6. It is further ordered, That in addition to the copy served on the Chief, Hearing Branch, a copy of each amendment filed in this proceeding subsequent to the date of adoption of this Order shall be served on the Chief, Data Management Staff, Audio Services Division, Mass Media Bureau, Room 350, 1919 M St., NW., Washington, D.C. 20554.

7. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is further ordered, That the aplicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and manner prescribed in that Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84-23025 Filed 8-29-84; 8:45 am]

BILLING CODE 6712-01-M

[File Nos. BPH-8305 31AA; et al.; MM Docket Nos. 84-807, et al.]

Gary and Berta Frank, et al.; Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MM Docket No.
A. Gary and Berta Frank, Prescott Valley, AZ.	BPH-830531AA	84-807
B. Prescott Valley Broadcasting Co., Prescott Valley, AZ.	BPH-830613AC	84-808
C. Mary Murphy, Prescott Valley, AZ.	BPH-830930AB	84-809

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, A, B, C
2. Ultimate, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Audio Services Division, Mass Media Bureau.

[FR Doc. 84-23026 Filed 8-29-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 84-780, et al.; File Nos. BPCT-840125Kg, et al.]

Johnny G. Box, et al.; Hearing Designation Order

In re applications of Johnny G. Box (MM Docket No. 84-780; File No. BPCT-840125KG); William Varecha d/b/a TV-49 (MM Docket No. 84-781; File No. BPCT-840424KF); and Amos Communications, Inc. (MM Docket No. 84-782; File No. BPCT-840424KH); for construction permit for Channel 49 Paducah, Kentucky.

Adopted: July 30, 1984.
Released: August 6, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for a new commercial television station to operate on Channel 49, Paducah, Kentucky.

2. No determination has been reached that the tower height and location proposed by each applicant would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

3. Section 73.685(f) of the Commission's Rules requires an applicant proposing to use a directional antenna to include a tublation of relative field pattern, oriented so that 0° corresponds to True North and tabulated at least every 10° plus any minima or maxima. TV-49 has not supplied this data. Accordingly, TV-49 will be required to submit an amendment with the appropriate information, to the presiding Administrative Law Judge and a copy to the TV Branch, Mass Media Bureau, within 20 days after this Order is released.

4. TV-49 has not completed section III, FCC Form 301. However, TV-49 indicates that an appropriate certification would be submitted. We have not received such an amendment. Accordingly, TV-49 will be given 20 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in section III, FCC Form 301, as to its financial qualifications. If TV-49 cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is

unable to make the statutory finding that their grant would serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by each applicant would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

8. It is further ordered, that TV–49 shall submit an amendment providing the information required by § 73.685(f) of the Commission's Rules, to the presiding Administrative Law Judge and a copy to TV Branch, Mass Media Bureau, within 20 days after the release date of this Order.

9. It is further ordered, That TV–49 shall submit a financial certification in the form required by section III, Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

10. It is further ordered, That to avail themselves of the opportunity too be heard, the applicants, and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notices as required by § 73.3594(g) of the Rules.

Federal Communication Commission.

Stephen F. Sewell,

Acting Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84–23024 Filed 8–29–84; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of Information Collection

Notice of Acquisition of Control (OMB No. 3064–0019).

Background

In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Judy McIntosh, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429, telephone (202) 389–4446.

Summary

The FDIC is requesting OMB to extend to September 30, 1987 the expiration date of Form FDIC 6822/01 used by any person or persons acting in concert to provide notice to the FDIC prior to acquiring ownership control of an insured state nonmember bank. Such written prior notice is required under the Change in Bank Control Act of 1978 (12 U.S.C. 1817(j)). The form has been assigned OMB No. 3064–0019 which currently expires on October 31, 1984. It is estimated that 30 hours are required, on the average, to prepare a notice of acqusition of control.

Dated: August 10, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–23104 Filed 8–29–84; 8:45 am]

BILLING CODE 6714–01–M

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of Information Collection

Deregistration Form For Registered Transfer Agents (OMB No. 3064–0027).

Background

In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Judy McIntosh, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429, telephone (202) 389–4446.

Summary

The FDIC is requesting OMB to extend to September 30, 1987 the expiration date of form (OMB No. 3064–0027) used by an insured nonmember bank to withdraw from registration with the FDIC as a transfer agent. Under FDIC regulation 12 CFR Part 341 such written notice of withdrawal is required when a registered transfer agent ceases to engage in the functions of a transfer agent. This requirement implements the provisions of section 17A(c)(3)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1). It is estimated that 25 minutes are required, on the average, to prepare the required notice of withdrawal.

Dated: August 21, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-23105 Filed 8-29-84; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM

Atlantic South Coastal Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than September 21, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Atlantic South Coastal Corporation,* Savannah, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Ameribank, N.A., Savannah, Georgia.

2. *Farmers National Bancshares, Inc.,* Opelika, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers National Bank of Opelika, Opelika, Alabama.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *New Ulm Financial Corporation,* New Ulm, Texas; to acquire 100 percent of the voting shares of Lexington State Bank, Lexington, Texas.

Board of Governors of the Federal Reserve System, August 24, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-22992 Filed 8-29-84; 8:45 am]

BILLING CODE 6210-01-M

Premier Financial Services, Inc.; Application to Engage de Novo in Permissible Nonbanking Activites

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in section 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefit to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resource, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu if a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 19, 1984.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Premier Financial Services, Inc.,* Freeport, Illinois; to engage *de novo* through its subsidiary, Premier Trust Services, Inc., Freeport, Illinois, in fiduciary, agency, and custodial functions and activities performed by a trust company. These activities would be performed in the State of Illinois.

Board of Governors of the Federal Reserve System, August 24, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-22993 Filed 8-29-84; 8:45 am]

BILLING CODE 6210-01-M

Union Bancshares, Inc.; Correction

This notice corrects a previous Federal Register document (FR Doc. No. 84-22503), published at page 33725 of the issue for Friday, August 24, 1984. The notice should read as follows: Union Bancshares, Inc., Wichita, Kansas to engage de novo through its subsidiary, UBI Growth Capital, Inc., in the activity of providing credit to new companies. This activity will be performed in Kansas. Comments on this application must be received not later than September 14, 1984.

Board of Governors of the Federal Reserve System, August 24, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-22994 Filed 8-29-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84N-0077]

Dental X-Ray Patient Selection Criteria Panel; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming meeting of the Dental X-Ray Patient Selection Criteria Panel. This is the third meeting of the Panel. The meeting is being called to develop criteria for the selection of asymptomatic dental patients for several dental X-ray examinations.

DATES: Open sessions: September 20, 1984, 8:30 a.m. to 9:30 a.m., and September 21, 1984, 8:30 a.m. to 9:30 a.m.; closed sessions: September 20, 1984, 9:45 a.m. to 5 p.m., and September 21, 1984, 9:45 a.m. to 4 p.m.

ADDRESS: The Panel meeting will be held at the Cascades Conference Center, Williamsburg, VA 23187.

FOR FURTHER INFORMATION CONTACT: Lireka P. Joseph, Center for Devices and Radiological Health (HFZ–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4600.

SUPPLEMENTARY INFORMATION: Through the Center for Devices and Radiological Health, FDA conducts and supports research and training to minimize unproductive radiation exposure from diagnostic radiological examinations. One possible source of unproductive radiation exposure is radiological examinations that are not likely to affect patient management. To reduce the use of ineffective examinations, it is important that the dentist have current information about when a given radiological study is likely to provide needed diagnostic information. This information can take the form of decision guidelines based on patient signs, symptoms, or history, sometimes known as patient selection criteria.

Under one part of a program designed to facilitate the development and testing by the dental profession of patient selection criteria for diagnostic radiological examinations, FDA is providing logistical support for the convening of a small panel of clinical and scientific experts to formulate draft patient selection criteria or statements of use. A detailed description of the x-ray patient selection criteria development process was published in the **Federal Register** of June 9, 1981 (46 FR 30568).

Any interested person who wishes to request time for an oral presentation during the open portion of the meeting, or who would like to submit written comments to the Panel and is unable to attend the open portion of the meeting, should inform the contact person listed above, either orally or in writing, before the meeting. Persons attending the meeting who did not request time for an oral presentation will be permitted to make a presentation at the conclusion of the open portion if time permits.

A list of committee members, the meeting agenda, and summaries of the previous Panel meeting may be reviewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The summaries of the Panel meetings contain minutes of the open sessions and copies of written data and views submitted to the Panel in open session.

Dated: August 24, 1984.

Maurice D. Kinslow,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–22998 Filed 8–29–84; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 81N–0253]

Skull X-Ray Referral Criteria Panel; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming meeting of the Skull X-Ray Referral Criteria Panel. This is the sixth meeting of the Panel. The meeting is being called to finalize the Panel's statement on referral criteria for selecting patients for skull radiography following head trauma. A draft copy of the Panel's statement was mailed to relevant professional organizations and a notice of availability inviting comments on the draft statement appeared in the **Federal Register** of May 15, 1984 (49 FR 20556).

DATES: Open sessions: September 20, 1984, 8 a.m. to 10 a.m., and September 21, 1984, 10:15 a.m. to 12 m.; closed sessions: September 20, 1984, 10:15 a.m. to 5 p.m., and September 21, 1984, 8 a.m. to 10 a.m.

ADDRESS: The Panel meeting will be held at the Cascades Conference Center, Williamsburg, VA 23187.

FOR FURTHER INFORMATION CONTACT: Philip M. McClean, Center for Devices and Radiological Health (HFZ–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4600.

SUPPLEMENTARY INFORMATION: Through the Center for Devices and Radiological Health, FDA conducts and supports research and training to minimize unproductive radiation exposure from diagnostic radiological examinations. One possible source of unproductive radiation exposure is radiological examinations that are not likely to affect patient management. To reduce the use of ineffective examinations, it is important that the doctor have current information about when a given radiological study is likely to provide needed diagnostic information. This information, which can take the form of decision guidelines based on patient signs, symptoms, or history, is termed here "referral criteria."

Under one part of a program designed to facilitate the development and testing by the medical profession of referral criteria for diagnostic radiological examinations, FDA is providing logistical support for the convening of small panels of clinical and scientific experts to formulate draft referral criteria or statements of use. A detailed description of the x-ray referral criteria development process was published in the **Federal Register** of June 9, 1981 (46 FR 30568).

Any interested person who wishes to request time for an oral presentation during the open portion of the meeting, or who would like to submit written comments to the Panel and is unable to attend the open portion of the meeting, should inform the contact person listed above, either orally or in writing, before the meeting. Persons attending the meeting who did not request time for an oral presentation will be permitted to make a presentation at the conclusion of the open portion if time permits.

A list of committee members, the meeting agenda, and summaries of the previous Panel meetings may be reviewed at the Dockets Management Branch (FHA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The summaries of the Panel meetings contain minutes of the open sessions, copies of written data and views submitted to the Panel in open session, and summaries of the closed sessions.

Dated: August 24, 1984.

Maurice D. Kinslow,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–22999 Filed 8–29–84; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Advisory Committee; Meeting

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 November 1984:

Name: Maternal and Child Health Research Grants Review Committee

Date and Time: November 7–9, 1984, 9:00 a.m.—5:00 p.m.

Place: Conference Room N, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on November 7, 1984, 9:00 a.m. to 10:00 a.m.

Closed for remainder of meeting.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Health Care Delivery and Assistance.

Agenda: The open portion of the meeting will cover opening remarks by the Director, Division of Maternal and Child Health, who will also report on program issues, Congressional activities and other topics of interest to the field of maternal and child health. The meeting will be closed to the public on November 7, 1984, from 10:00 a.m. for the remainder of the meeting for the review of research grant applications. 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 Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact GONTRAN LAMBERTY, Dr. P.H., Executive Secretary, Maternal and Child Health Research Grants Review Committee, Room 6–17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: 301 443–2190.

Agenda items are subject to change as priorities dictate.

Date: August 24, 1984.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 84–23000 Filed 8–29–84; 8:45 am]

BILLING CODE 4160–01–M

Public Health Service

National Toxicology Program; Availability of Technical Report on Carcinogenesis Studies of Amosite Asbestos

The HHS' National Toxicology Program today announces the availability of the technical report describing lifetime carcinogenesis studies of amosite asbestos, administered in feed to Syrian golden hamsters.

Carcinogenesis studies of amosite asbestos were conducted by administering diets containing one percent asbestos in pellets from conception of the mothers through the lifetime of male and female Syrian golden hamsters. Control groups consisted of 127 male and 126 female hamsters and the amosite asbestos groups consisted of 252 male and 254 female hamsters.

Under the conditions of these studies, the ingestion of amosite asbestos at a level of one percent in the diet for the lifetime of the animals was not toxic and gave no evidence of carcinogenicity in male or female Syrian golden hamsters.

Copies of *Lifetime Carcinogenesis Studies of Amosite Asbestos in Syrian Golden Hamsters (Feed studies) (T.R. 249)* are available without charge from the NTP Public Information Office, M.D., B2–04, Box 12233, Research Triangle Park, N.C. 27709. Telephone: (919) 541–3991. FTS: 629–3991.

Dated: August 24, 1984.

David P. Rall, M.D., Ph.D.,

Director.

[FR Doc. 84–23022 Filed 8–29–84; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Filing of Plat of Survey; Salt Lake City, UT

AGENCY: Bureau of Land Management, Utah.

ACTION: Notice.

SUMMARY: These plats of survey of the following described land will be filed in the Utah State Office, Salt Lake City, Utah, immediately:

Salt Lake Meridian, Utah

T. 19 S., R. 4 W.,
T. 22 S., R. 6 W.,
T. 25 S., R. 6 W.

These plats, in three (3) sheets, representing: (1) The dependent resurvey of a portion of the North boundary, and a portion of the subdivisional lines, and a partial subdivisional survey of Section 4, T. 19 S., R. 4 W., Salt Lake Meridian, Utah; (2) the dependent resurvey of a portion of the Corn Creek Indian Reservation Boundary, a portion of the North Boundary, and a portion of the subdivision lines, and a partial subdivisional survey of Section 3, T. 22 S., R. 6 W., Salt Lake Meridian, Utah, and (3) the dependent resurvey of a portion of the subdivisional lines and a portion of the patented mining claims in Sections 19 and 30, and a partial subdivisional survey of Section 30, T. 25 S., R. 6 W., Salt Lake Meridian, Utah for Group 612, were accepted August 13, 1984.

Salt Lake Meridian, Utah

T. 30 S., R. 1 W.

This plat was prepared to show the subdivision of original lot 4 into lots 5 and 6, and is based upon the plat accepted December 12, 1923 for Section 19, T. 30 S., R. 1 W., Salt Lake Meridian, Utah was accepted July 27, 1984.

These plats will immediately become the basic record for describing the land for all authorized purposes. The plats have been placed in the open files and are available to the public for information only. These surveys were executed to meet certain administrative needs of this Bureau.

All inquiries relating to these lands should be sent to the Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

Orval L. Hadley,

Chief, Lands and Minerals, Operations.

[FR Doc. 84–23001 Filed 8–29–84; 8:45 am]

BILLING CODE 4310–DQ–M

[N–39945]

Nevada; Airport Lease Application

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211–214), Dee Heckethorn has applied for an airport lease for the following land:

Mount Diablo Meridian

T. 14 N., R. 66 E.,
Sec. 22, E½SE¼SE¼;
Sec. 27, E½NE¼, NE¼SE¼, W½SE¼ SE¼, E½W½SW¼.

The area described is located in White Pine County, Nevada. The application was filed on August 3, 1984, and on that date the land was segregated from all other forms of appropriation under the public land laws.

For a period of 45 days from the date of this notice, interested persons may submit comments to the District Manager, Bureau of Land Management, Ely District Office, SR 5 Box 1, Ely, Nevada 89301.

Merrill L. DeSpain,

District Manager.

[FR Doc. 84–23055 Filed 8–29–84; 8:45 am]

BILLING CODE 4310–HC–M

Miles City, MT, District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that the Miles City District Grazing Advisory Board will meet October 10, 1984, at 10 a.m. in the conference room at the Miles City District Office, Bureau of Land Management, Garryowen Road, Miles City, Montana.

Agenda for the meeting includes: Fiscal Year 1985 Range Improvement Projects, Range Improvement methods and treatments, and Cooperative Management Agreements.

The meeting is open to the public and oral or written statements may be made for consideration by the board. Summary minutes of the meeting will be maintained in the Miles City District Office and will be available for public inspection and reproduction during

regular business hours within 30 days following the meeting.

For further information contact District Manager, Miles City District, BLM, P.O. Box 940, Miles City, Montana 59301.

Dated: August 22, 1984.

Robert A. Teegarden,

Associated District Manager.

[FR Doc. 84-23060 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-DN-M

[W-39192]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease; Johnson County, WY

August 23, 1984.

Pursuant to the provisions of Pub. L. 31-245 and Title 43 Code of Federal Regulations, § 3108.2-1(c), and Pub. L. 97-451, a petition for reinstatement of oil and gas lease W-39192 for lands in Johnson County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessees have agreed to the new lease terms for rentals and royalties at rates of $5.00 per acre, and 16⅔ percent, respectively. The lessees have paid the required $500.00 administrative fee and will reimburse the Department for the cost of this Federal Register notice.

The lessees having met all the requirements for reinstatement of the leases as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease W-39192 effective May 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Harold G. Stinchcomb,

Chief, Branch of Fluid Minerals.

[FR Doc. 84-23070 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Disposal of Public Lands; Bernalillo, NM

AGENCY: Bureau of Land Management, Albuquerque District Office, Interior.

ACTION: Notice of Realty Action on proposed land disposal.

SUMMARY: This notice is to advise the public that the Albuquerque District of the Bureau of Land Management (BLM) is proposing to dispose of approximately 100 acres of public land in the town of Valencia, Valencia County, New Mexico.

SUPPLEMENTARY INFORMATION: The BLM has determined that the 100 acres of public land described below are suitable for disposal under the Color-of-Title Acts of 1928 (45 Stat. 1069), 1932 (47 Stat. 53 U.S.C. 178), the Recreation and Public Purposes Act (45 U.S.C. 869 et. seq.), and Sales under section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1713 (1976).

Valencia, New Mexico Public Land Disposal Block I

T. 7 N., R. 2 E., NMPM,
Sec. 25, lot 1.
T. 7 N., R. 3 E., NMPM,
Sec. 30, lot 1, 2, 3, 4.
T. 6 N., R. 2 E., NMPM,
Sec. 1, lot 2.
T. 6 N., R. 2 E., NMPM,
Sec. 11, lot 3, 5, 11.
T. 6 N., R. 2 E., NMPM,
Sec. 4, lot 1.
T. 6 N., R. 2 E., NMPM,
Sec. 10, lot 4.

Comprising approximately 100.00 acres.

Disposal of these lands is consistent with: (1) The approved Land Use Recommendation of the BLM's 1979 Rio Grande, Management Framework Plan. (2) Their location as well as the physical characteristics and the private ownership of adjoining lands, make them difficult and uneconomical to manage as public lands. Consequently, disposal would best serve the public interest. (3) Various public meetings were held throughout the area during the land use planning process. An additional public meeting was held by the City Park Department. (4) This Notice of Realty Action will be published once a week for three weeks in a newspaper of general circulation and will be sent to the New Mexico Congressional delegation and the relevent congressional committees by BLM.

The specific parcels of public land will be disposed of using the following "Tract Disposal Criteria" in descending order of priority.

1. *Color-of-Title.* Color-of-Title disposals will be made to any applicant within the disposal area who qualified under the Color-of-Title Acts.

2. *Non-Competitive (Direct) Sale.* Public lands within the disposal block will be sold without competition at Fair Market Value to those individuals who have occupied the parcels before June 11, 1979 (the date land use plans were approved) but who do not qualify for title under one of the color-of-title acts.

3. *Public Purposes.* If unoccupied lands within the disposal area are identified for recreational or other public purposes by state or local governments or other qualified public purposes applicants, they will be considered for disposal under the R&PP Act.

4. *Competitive Sale.* On unoccupied tracts that have no public value, the terms and conditions of the disposals are: (1) All disposals will be made subject to prior valid existing rights. (2) All the minerals in the public lands covered by this Notice of Realty Action, along with the rights to explore, prospect for, mine and remove the minerals will be reserved to the United States. (3) Tracts which lie within the Rio Grande will be subject to E.O. 11988 which precludes the seeking of compensation from the U.S. or its agencies in the event existing or future facilities on those tracts are damaged by flood.

Additional information pertaining to this disposal including the environmental documents are available for review in the Rio Puerco Resource Area Office, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107 or telephone 505-766-3114. For a period of 45 days from the date of this notice, interested parties may submit written comments to the Rio Puerco Resource Area Manager. Any adverse comments will be evaluated by the New Mexico State Director, Bureau of Land Management who may vacate or modify this realty action and issue a final determination.

In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

L. Paul Applegate,

District Manager.

[FR Doc. 84-23078 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-FB-M

[A-18898]

Arizona; Conveyance of Public Land

August 21, 1984.

Notice is hereby given that pursuant to section 203(a)(3) of the Act of October 21, 1976, 90 Stat. 2750, 43 U.S.C. 1713, the State of Arizona for the Arizona Department of Health Services, has purchased by noncompetitive sale at the fair market value of $256,000.00, public land in Maricopa County, Arizona, described as:

Gila and Salt River Meridian, Arizona

T. 4S., R. 1W.,
Sec. 32.
Containing 640.00 acres.

The purpose of this notice is to inform the public and interested State and local

government officials of the issuance of the patent to the above-named party.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-23081 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-32-M

[A-18936]

Public Land Exchange; Mohave County, AZ

AGENCY: Bureau of Land Management, (BLM) Interior.

ACTION: Notice of Realty Action—Exchange, Public lands in Mohave County, Arizona.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 22 N., R. 19 W.,
Sec. 36, W½ and W½E½.
Comprising 480 acres, more or less.

In exchange for these lands, the United States will acquire the following decribed lands from Irving S. Schneider and Wanda Adams of Davie, Florida:

Gila and Salt River Meridian, Arizona

T. 22 N., R. 20 W.,
Sec. 27, all.
Comprising 640 acres, more or less.

The exchange involves only the surface estate of the public selected lands and the private offered lands.

The purpose of the exchange is to acquire the non-Federal lands in the Black Mountains northwest of Kingman, Arizona which important bighorn sheep habitat. The exchange is consistent with the Bureau of Land Management land use plans and would result in a public benefit.

The above lands will be subject to an appraisal to determine their value. If it is determined that the values are not equal, adjustment may be made in the total number of acres to be exchanged, or a cash payment not to exceed 25 percent of the value of the public lands may be made to equalize values.

Lands to be transferred from the United States will be subject to the following reservations:

1. A right-of-way for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890 (26 Stat. 391; U.S.C. 945).

2. All minerals in the subject are reserved to the State of Arizona as granted by the Act of Congress, June 24, 1910.

3. Subject to such restrictions as may be imposed by the County Floodplain Administrator in Accordance with the "Amendment Floodplain Regulation for the Unincorporated Area of Mohave County, Arizona," as adopted by the Mohave County Board of Supervisors by resolution No. 82-1 of May 17, 1982, and recorded in Book 824, page 895 of Official Records, Mohave County, Arizona.

4. Subject to right-of-way A-19235, A-19236, A-19237, and A-19238, for road purposes for the Mohave County Board of Supervisors under Title V, section 501 of the Act of October 21, 1976 (43 U.S.C. 1761).

5. Subject to right-of-way AR-033346 for telephone purposes for American Telephone and Telegraph Company, under the Act of March 4, 1911 (36 Stat. 1253, as amended; 43 U.S.C. 961).

6. Subject to the right of the grazing allottee, James Briggs, to continue his grazing use of the parcel until May 8, 1986. Grazing fees will be paid to the new landowner but may not exceed the fees charged by the Bureau of Land Management for that year.

Private lands to be acquired by the United will be subject to the following reservation:

1. All minerals in the subject are reserved to the Santa Fe Pacific Railroad Company as set forth in Book 73 of Deeds, page 235, Mohave County, Arizona.

Publication of this notice will segregate the subject lands from all appropriations under the public land laws. This segregation will terminate upon the issuance of a patent or two years from the date of this notice, or upon publication of a Notice of Termination.

SUPPLEMENTARY INFORMATION: Detailed information concerning this exhange may be obtained from the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman Arizona 86401.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final dtermination. In the absence of any action by the District Manager, this realty action will become the determination of the Department of the Interior.

Dated. August 21, 1984.

Marlyn V. Jones,

District Manager.

[FR Doc. 84-23091 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-32-M

[M-57789]

Land Exchange, Butte District, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Public Lands in Madison County suitable for exchange (M-55789).

SUMMARY: The following described public lands located in Madison County 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:

Principal Meridian Montana

T. 2 S., R. 2 W.
Sec. 19: NE¼NE¼, 40.00 acres.
Sec. 29: lot 5, 27.10 acres.
Sec. 31: lots 2, 3, 4, 5, 7, 8, 9, 10, 11, and 12, 365.11 acres.
Sec. 32: lots 1, 2, and 3, NE¼SW¼, 155.28 acres.
Total acreage is 587.49 acres.

In exchange for these lands, the Federal Government will acquire the following lands in Madison County from J. Jud Chalmers of Pony, Montana:

Principal Meridian Montana

T. 3 S., R. 1 E.
sec. 10: lot 2, 17.00 acres; lot 4, 23.18 acres.
Excluding Montana Highway Department right-of-way of approximately 6.3 acres.
Total acreage is 33.88 acres.

DATES: For a period of 45 days from the date of first publication of this Notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 3388, Butte, Montana 59702. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire a tract of land which is heavily used for recreational purposes in conjunction with the Madison River and the nearby Bear Trap Wilderness. The exchange is consistent with the Bureau's planning. The public interest will be well served by making the exchange.

Effective as of the date this Notice is published, the public lands selected in the exchange shall be segregated from

all the nondiscretionary public land laws, including the mining laws.

Terms and Conditions

1. The acreage will be adjusted or a monetary payment may be utilized to equalize values.

2. The exchange involves only the surface estate; all minerals owned by the Federal Government will be reserved to the United States. All minerals owned by Chalmers will be reserved.

Patents will contain the following reservations to the United States:

1. Rights-of-way for ditches and canals constructed by the authority of the United States (26 Stat. 391; 43 U.S.C. 945).

2. All minerals with the right to explore, prospect for, mine, and remove under applicable law, and such regulations as the Secretary of the Interior may prescribe (43 U.S.C. 1719).

3. Existing and future oil and gas leases on all parcels.

4. All valid existing rights.

FOR FURTHER INFORMATION CONTACT: The Butte District at the above address.

Dated: August 23, 1984.

Gerald L. Quinn,

Acting District Manager.

[FR Doc. 84-23076 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-DN

[CA-12964]

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

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, as amended, 16 U.S.C. 818) and pursuant to the determination of the Federal Energy Regulatory Commission, in DA-1141 California, it is ordered as follows:

1. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the following described land in the Plumas National Forest withdrawn in FERC Project Application No. 6332, will not be injured or destroyed for the purposes of power development, and shall effective immediately, become available for consummation of pending Forest Service Exchange Application, CA-10370, under the General Exchange Act of March 20, 1922, 43 Stat. 465, as amended, 16 U.S.C. 485, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920.

Mount Diablo Meridian

T. 26 N., R. 12 E.,
Sec. 31, S½S½SE¼NE¼.

The area described aggregates approximately 10 acres in Plumas County.

2. The State of California has waived its preference right of application for highway rights-of-way on material sites afforded it by section 24 of the Federal Power Act.

The land has been open to applications and offers under the mineral leasing laws. These lands remain segregated from the mining laws under Forest Service Exchange Application, CA-10370.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Dated: August 22, 1984.

Ed Hastey,

State Director, California.

[FR Doc. 84-23088 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-84-M

[Group 758]

California; Filing of Plat of Survey

August 23, 1984.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

San Bernardino Meridian, San Diego County

T. 11S., R. 4E.

2. This plat, representing the dependent resurvey of a portion of the Rancho San Jose de Valle, a portion of the subdivisional lines, and Mineral Survey No. 4187, the survey of the subdivision of sections 10, 11, and 14, T. 11 S., R. 4 E., San Bernardino Meridian, under Group No. 758, California, was accepted August 3, 1984.

3. This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 84-23082 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-40-M

[CA-14378]

Realty Action; Noncompetitive Sale of Public Lands in San Bernardino County, CA; Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty action—Noncompetitive sale of public lands in San Bernardino County.

SUMMARY: This document amends the Notice of Realty Action for the sale of public land in California that appeared on pages 30600-30601 in the **Federal Register** of Tuesday, July 31, 1984 (49 FR 30600), CA 14378.

SUPPLEMENTARY INFORMATION: The amendment is made to the terms and conditions of the sale. The following reservations is added subject to those rights granted by oil and gas lease CA 13536 under the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181).

Dated: August 23, 1984.

H.W. Riecken,

District Manager, California Desert District.

[FR Doc. 84-23083 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-40-M

[C-28705]

Colorado; Proposed Continuation of Reclamation Withdrawal

August 21, 1984.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that a 120-acre withdrawal be continued for an additional 20 year period. The lands will remain closed to surface entry and mining but have been and will remain open to mineral leasing.

DATE: Comments should be received within 90 days of publication date.

ADDRESS: All comments should be addressed to State Director, Colorado State Office, 1037 20th Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-844-2592.

The Bureau of Reclamation proposes that the existing land withdrawal made by Bureau Order dated May 25, 1950, as

amended, be continued for a period of 20 years in accordance with section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 43 U.S.C. 1714.

This order currently withdraws 120 acres of public land. The land is located in T. 51 N., R. 7 W., New Mexico Principal Meridian, Colorado.

The purpose of the withdrawal is to protect the Smith Fork Project. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the State Director, Colorado State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such determination is made.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-23077 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-JB-M

Realty Action; Competitive Sealed Bid Public Land Sales in Gooding County ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Competitive Sealed Bid Public Land Sales in Gooding County, on the following:

Tract No.	Case file No.	Legal description	Acres
1	I-20404	T. 6 S., R. 14 E., B.M., Sec. 19, NW¼SE¼	40
6	I-20405	T. 7 S., R. 14 E., B.M., Sec. 24, NW¼NW¼	40
7	I-20406	T. 7 S., R. 14 E., B.M., Sec. 24, SW¼NW¼	40
8	I-20407	T. 7 S., R. 14 E., B.M., Sec. 24, NW¼SW¼	40
9	I-20408	T. 7 S., R. 14 E., B.M., Sec. 24, NE¼SW¼	40
45	I-20411	T. 8 S., R. 14 E., B.M., Sec. 2, lot 4	39.76
		Total acres	239.76

SUMMARY: The above-described public land tracts were examined, and through land use planning and public imput are determined to be suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976. Fair market value will be available no less than 30 days prior to the sale date. Only sealed bids shall be accepted.

The lands when patented will be subject to the following reservations to the United States:

1. Ditches and canals.
2. Oil and Gas resources.
3. All valid, existing rights and reservations of record.

The lands are hereby segregated from all appropriation under the public land laws, including the mining laws until sold or this sale is suspended.

Sealed bids must be received in this office no later than 1:00 p.m. on December 14, 1984. Bids for less than the fair market value will not be accepted. A bid will constitute an application for conveyance of mineral interests of no known value.

A $50 nonreturnable filing fee for processing such conveyance along with at least one fifth of the full bid price must accompany each bid. Failure to deposit these sums shall result in disqualification.

If not sold at this time, the parcels will be offered the second Friday of each month at the same time, 1:00 p.m., for sealed bids until sold or the sale is suspended.

DATE AND ADDRESS: The sale offering will be held on December 14, 1984 at 1:00 p.m. in the Shoshone District Office, 400 West F Street, Shoshone Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale and conditions, bidding procedures, and other details can be obtained by contacting Joe Aitken at (208) 886-2206 or writing to BLM, P.O. Box 2B, Shoshone, Idaho 83352.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the Shoshone District Manager at the above address.

Dated: August 21, 1984.

Charles J. Haszier,

District Manager.

[FR Doc. 84-23100 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-GG-M

[M-60987 and M-60988]

Realty Action; Modified Competitive Sales in Rosebud County, MT

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of Realty Action M-60987 and M-60988, Modified Competitive Sales of Public Land in Rosebud County, Montana.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than fair market value.

Parcel No. 1-M-60987—Appraised Value $4,000

Principal Montana Meridian

T. 8 N., R. 41 E.,
Sec. 24: SW¼SE¼, containing 40.00 acres.
T. 8 N., R. 42 E.,
Sec. 28: NE¼4NW¼, containing 40.00 acres.
Total Acreage, 80.00 acres.

Parcel No. 2-M-60988—Appraised Value $2,000

Principal Montana Meridian

T. 10 N., R. 34 E.,
Sec. 28: SE¼SE¼, containing 40 acres.

The land will be offered for sale by sealed bid only utilizing modified competitive bidding procedures on October 31, 1984 at 1:30 p.m. at Montana State Office, Bureau of Land Management, 222 North 32nd Street, P.O. Box 31434, Billings, Montana 59107-1434.

Adams Livestock Company of Rosebud, Montana, is the authorized grazing permittee who will be the designated bidder on Parcel No. 1, M-60987. These public lands are two separated 40-acre subsections located approximately 12 and 15 miles, respectively, north of Rosebud, Montana. Both forties are isolated, difficult and uneconomical to manage as part of the public lands and are not suitable for management by another federal agency. Both forties are rough sagebrush/native grasslands. Physical access via vehicle is possible over ranch trails during dry weather. There is no legal access to either forty. The forth in T. 8 N., R. 41 E. is not fenced and there are no range improvement. The forty in T. 8 N., R. 42 E. is fenced on the north boundary and another fence crosses it on the west side. Other than these fences, there are not any range improvements on this forty.

Joe Kanta of Melstone, Montana, the authorized grazing permittee, will be the

designated bidder on Parcel No. 2, M–60988. This 40-acre subsection is approximately three miles west of Ingomar, Montana. This forty is isolated, difficult and uneconomical to manage as part of the public lands and is not suitable for management by another federal agency. Topography is rough with the majority of this 40 acres being a large butte. Vegetation is sagebrush/native grasses with a few scattered juniper trees in a small coulee on the north side of the butte. Physical access via vehicle is possible on a ranch trail during dry weather. There is no legal access. There is no water and there are no range improvements. A boundary fence is on the east side.

The proposed sale is consistent with the Bureau's planning system, and Rosebud County Commissioners were contacted on February 29, 1984 and concur with the proposed sale and that there is no need for a hearing. The transfer of the parcels into private ownership will benefit the public interest and provide for better land management.

Terms and Conditions

The terms and conditions applicable to the sales are:

1. All minerals will be reserved to the United States, together with the right to explore, prospect for, mine, and remove same under applicable law and regulations;

2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945;

3. The sale of these lands will be subject to all valid existing rights and reservations of record.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information relating to the sale, including the land report and environmental assessment is available for review at the Miles City District Office, west of Miles City, Montana.

SUPPLEMENTARY INFORMATION:

Bidder Qualifications

The bidder must be a U.S. citizen or, in the case of a corporation, subject to the laws of any state of the U.S. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of Montana. Bids must be made by the principal or his agent.

Bid Standards

No bid will be accepted for less than the appraised fair market value and bids must be individually submitted for either Parcel No. 1 (M–60987) or Parcel No. 2 (M–60988).

Method of Bidding

The land will be sold by sealed bid. Each bid must be accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the U.S. Department of Interior, Bureau of Land Management for not less than one-fifth of the amount bid. Sealed bids will be received at the Montana State Office, Bureau of Land Management, until 1 p.m., October 31, 1984. Sealed bids will be opened in the Montana State Office, 222 North 32nd Street, Billings, Montana.

The sealed bid envelope must be addressed as follows:

Cashier—Sealed Bids, Public Land Sale
M————, P.O. Box 31434, Billings, Montana 59107–1434

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by supplemental biddings. The designated high bidders shall be allowed to submit oral or sealed bids as designated by the authorized officer. The highest qualifying sealed bid shall then be publicly declared.

Modified Competitive Bidding

For a period of 30 days following the date of the sale, Adams Livestock Company of Rosebud, Montana, the designated bidder for Parcel No. 1, and Joe Kanta of Melstone, Montana, the designated bidder for Parcel No. 2, will be offered the right to meet the highest qualifying bid. The designated bidder must submit a bid of at least the fair market value prior to the sale date in order to be considered under the modified bidding provisions. If either meets the highest bid on the respective parcel(s), and the land will be sold to the designated bidder(s) and the other high bid will be returned. If either designated bidder refuses to meet the highest bid or to submit any bid at all prior to the sale date, the modified competitive bidding provisions shall be waived.

Sale Continuation

In the event these parcels are not sold at the original designated sale offering, the parcel(s) will then be available for sale over the counter on a first come, first served basis, at the Montana State Office, Bureau of Land Management, 222 North 32nd Street, Billings, Montana. Sealed bids will only be opened each Wednesday.

Final Details

Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within 180 days. Failure to submit the required amount within the 180-day time period will result in forfeiture of the deposit and the lands will be offered to the next qualifying bidder.

Dated: August 20, 1984.

Robert A. Teegarden,

Acting District Manager.

[FR Doc. 84–23114 Filed 8–29–84; 8:45 am]

BILLING CODE 4310–DN–M

Colorado State Office; Emergency ORV Restrictions

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Emergency Off-Road Vehicle Decisions.

SUMMARY: Notice is hereby given that effective immediately, all public lands (640 Acres) in Section 20, T. 1 N., R. 3 W., Ute Meridian are closed to off-road vehicle use (ORV); and the public lands located within the sections listed below (6,675 acres) are limited to existing roads and trails except for snowmobiles operating on snow.

T. 5 S., R. 89 W., 6 P.M.,
Secs. 16, 20, 21, 25, 26, 27, 28, 29, 33, 34, 35, 36.
T. 6 S., R. 89 W., 6 P.M.,
Secs. 6, 7, 8, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 26.

Additional Information

The purpose of the closure in the area of the Rattlesnake Canyon Arches is to protect the wilderness characteristics, primarily naturalness in the Black Ridge Wilderness Study Area (CO–070–113).

The limited closure around Glenwood Springs, Colorado is to protect soils and vegetation in the Glenwood Springs Debris Flow Hazard Zone designated as an Area of Critical Environmental Concern in the 1984 Glenwood Springs Resource Management Plan.

The authority for these restrictions is 43 CFR 8341.2. These emergency restrictions will remain in effect until

off-road vehicle designations are implemented in these areas.

FOR FURTHER INFORMATION CONTACT: Wade Johnson, District Recreation Planner, Grand Junction District, 764 Horizon Drive, Grand Junction, CO 81503, (303) 243–6552.

Dated: August 21, 1984.

Wright Sheldon,

District Manager, Grand Junction Office.

[FR Doc. 84–23108 Filed 8–29–84; 8:45 am]

BILLING CODE 4310–DN–M

Designation of Lassen Red Rocks Scenic Area, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Designation of Lassen Red Rocks Scenic Area.

SUMMARY: Pursuant to the authority of 43 CFR Part 8352 and Delegation of Authority 1203, I have designated the public lands in the following described area the Lassen Red Rocks Scenic Area:

Mount Diablo Meridian, Nevada

T. 24 N., R. 18 E.
Sec. 29: W½SW¼.
Sec. 30: SE¼, E½SW¼.
Sec. 31: E½NW¼, NE¼, N½NE¼SE¼.
Sec. 32: W½NW¼, NW¼SW¼.

The area aggregates approximately 700 acres, all of which are public lands managed by the Bureau in Lassen County, California (500 acres), and Washoe County, Nevada (200 acres).

EFFECTIVE DATE: August 17, 1984.

FOR FURTHER INFORMATION CONTACT: Thomas J. Owen, District Manager, Bureau of Land Management, 1050 E. William St., Suite 335, Carson City, Nevada 89701; (702) 882–1631.

Dated: August 24, 1984.

Thomas J. Owen,

District Manager, Carson City District, Nevada.

[FR Doc. 84–23092 Filed 8–29–84; 8:45 am]

BILLING CODE 4310–HC–M

[INT–DEIS–84–47]

Availability; Environmental Impact Statement; Draft; Rangely Carbon Dioxide Pipeline Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Draft Environmental Impact Statement (DEIS).

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, BLM has prepared a DEIS for the proposed Rangely Carbon Dioxide Pipeline Project.

SUPPLEMENTARY INFORMATION: BLM has prepared a DEIS for the Rangely Carbon Dioxide Pipeline Project. Chevron USA, Inc. has applied to the BLM Wyoming, Utah, and Colorado State Offices for a right-of-way permit to build and operate a 176-mile-long, 16-inch-diameter pipeline to carry carbon dioxide from Exxon Corporation's proposed La Barge gas plant at the Shute Creek site northeast of Opal, Wyoming, to the Rangely Weber Sand Unit oil field (Colorado) where the carbon dioxide would be used for enhanced oil recovery. Ancillary facilities to be built would include a microwave communication system, a Supervisory Control and Data Acquisition (SCADA) system to detect leaks, and a booster compressor station (Sand Wash Alternative only).

FOR FURTHER INFORMATION CONTACT: Janis VanWyhe, Project Leader, Division of EIS Services, Bureau of Land Management, 555 Zang Street, First Floor East, Denver, Colorado 80228, (303) 234–6737.

Copies of the DEIS may be inspected at the following locations:

Bureau of Land Management, Public Affairs, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240

Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82003

Bureau of Land Management, Colorado State Office, 1037 20th Street, Denver, Colorado 80202

Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111

Bureau of Land Management, Division of EIS Services, 555 Zang Street, First Floor East, Denver, Colorado 80228

Bureau of Land Management, Rock Springs District Office, P.O. Box 1869, Rock Springs, Wyoming 82901

Bureau of Land Management, Craig District Office, P.O. Box 248, Craig, Colorado 81625

Bureau of Land Management, Vernal District Office, 170 South 500 East, Vernal, Utah 84078

Copies of the DEIS may be obtained from BLM's Division of EIS Services at the address listed above, and a limited number of single copies may be obtained from BLM's Rock Springs District Manager at the address listed above.

P. D. Leonard,

Associate State Director.

[FR Doc. 84–23097 Filed 8–29–84; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Development Operations Coordination Document; Amoco Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 3088, Block 623, Matagorda Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Freeport, Texas.

DATE: The subject DOCD was deemed submitted on August 23, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Tolber; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: August 23, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-23067 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; McMoRan Offshore Exploration and Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordinaton Document (DOCD).

SUMMARY: Notice is hereby given that McMoRan Offshore Exploration and Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 2690, Block A–471, High Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducts from an onshore base located at Galveston, Texas.

DATE: The subject DOCD was deemed submitted on August 23, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: August 23, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-23068 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Samedan Oil Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Samedan Oil Corporation has submitted a DOCD describing the activities it proposes to conduct on lease OCS–G 5506, Block 248, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on August 23, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert, Minerals Management Service, Gulf of Mexico OCS Region, Rules and Production, Plans, Platform and Pipeline Section, Exploration/Development Plans Units, Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: August 22, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-23069 Filed 8-29-84; 8:45 am]

BILLING CODE 4310-MR-M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting Raymond A. Hicks at 303–231–3147. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer at the phone number listed below and to the Office of Management and Budget Interior Department Desk Officer, Washington, D.C. 20503, telephone 202–395–7313.

Title: Auditing and Financial System Reports on Solid Minerals.

Abstract: Auditing and Financial System (AFS) information is needed from lessees and lease operators to provide comprehensive sales and royalty data on coal and other solid minerals produced from leased Federal and Indian lands. The data is used to document payments, to maintain royalty accounts, and for audits.

Bureau Form Numbers: MMS–4014, MMS–4030.

Frequency: Intermittently, monthly, quarterly.

Description of Respondents: Companies producing solid minerals from Federal and Indian leases.

Annual Responses: 1,464.

Annual Burden Hours: 727.

Bureau Clearance Officer: Dorothy Christopher, 703–435–6213.

Dated: July 20, 1984.

Robert E. Boldt,

Associate Director for Royalty Management.

[FR Doc. 84–23080 Filed 8–29–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; ARCO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 2834, Block 238, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbon with support activities to be conducted from an onshore base located at Sabine Pass, Texas.

DATE: The subject DOCD was deemed submitted on August 21, 1984.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: August 21, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84–23072 Filed 8–29–84; 8:45 am]

BILLING CODE 4310–MR–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–195]

Certain Cloisonne Jewelry; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: The Answer, Ltd.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on August 24, 1984.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: August 24, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–23003 Filed 8–29–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–185]

Certain Rotary Wheel Printing Systems; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Olympie Werke Aktiengesellschaft and Olympia U.S.A., Inc. (Olympia).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on August 24, 1984.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in

the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: August 24, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–23003 Filed 8–29–84; 8:45 am]

BILLING CODE 7020–02–M

Agency Form Submitted for OMB Review

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Commission has submitted a proposal for the collection of information to the Office of Management and Budget for review.

Purpose of Information Collection

The proposed information collection is for use by the Commission in connection with investigation No. 332–190, Headwear of Cotton and of Manmade Fibers, instituted under the authority of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)).

Summary of proposals

(1) Number of forms submitted: three.

(2) Title of forms: (a) Questionnaire for Producers of Headwear of Cotton and of Manmade fibers and

(b) Questionnaire for Importers of Headwear of Cotton and of Manmade Fibers

(c) Questionnaire for Retailers of Headwear of Cotton and of Manmade Fibers.

(3) Type of request: new.

(4) Frequency of use: nonrecurring.

(5) Description of respondents: U.S. producers, importers, and retailers of headwear of cotton or of manmade fibers.

(6) Estimated number of respondents: 500.

(7) Estimated total number of hours to complete the forms: 6,250.

(8) Information obtained from the form that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

Additional Information or Comment

Copies of the proposed form and supporting documents may be obtained from Charles Ervin, the USITC agency clearance officer (tel. no. 202–523–4463). Comments about the proposals should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Ms. Francine Picoult, Desk Officer for U.S. International Trade Commission (202–395–7231). If you anticipate commenting on a form but find that time to prepare comments will prevent you from submitting them promptly you should advise OMB of your intent as soon as possible. Copies of any comments should be provided to Charles Ervin (United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436).

Issued: August 24, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–23009 Filed 8–29–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–201]

Certain Products With Gremlin Character Depictions; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint and a motion for expedited temporary relief were filed with the U.S. International Trade Commission on July 25, 1984, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Warner Bros. Inc., 75 Rockefeller Plaza, New York, New York 10019. An amendment to the complaint and to the memorandum in support of the motion for expedited temporary relief were filed on August 10, 1984. Supplemental information was also filed on August 14, 1984. The complaint as amended alleges unfair methods of competition and unfair acts in the importation of certain products with Gremlin character depictions into the United States, or in their sale, by reason of alleged (1) infringement of U.S. Copyright Reg. No. VAu 54–951; (2) infringement of U.S. Copyright Reg. No. VAu 54–952; and (3) infringement of U.S. Copyright Reg. No. PAu 214–201. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation, conduct expedited temporary relief proceedings, and issue a temporary exclusion order prohibiting importation of the articles in question into the United States, except under bond, and temporary cease and desist orders. After a full investigation, the complainant requests that the Commission issue a permanent exclusion order and permanent cease and desist orders.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on August 22, 1984, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain products with Gremlin character depictions into the United States, or in their sale, by reason of alleged (1) infringement of U.S. Copyright Reg. No. VAu 54–951; (2) infringement of U.S. Copyright Reg. No. VAu 54–952; and (3) infringement of U.S. Copyright Reg. No. PAu 214–201, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) Pursuant to § 210.24(e) of the Commission's rules, the motion for expedited temporary relief under subsections (e) and (f) of section 337 of the Tariff Act of 1930, and the memorandum in support thereof, which were filed on July 25, 1984, and the amendment to the memorandum in support of the motion for expedited temporary relief, which was filed on August 10, 1984, shall be forwarded to the presiding officer for an initial determination pursuant to § 210.53(b) of the rules.

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Warner Bros. Inc., 75 Rockefeller Plaza, New York, New York 10019

(b) The respondents are the following companies, alleged to be in violation of

section 337, and are the parties upon which the complaint is to be served:

Chin Mei Co. Ltd., 150 Fu Te South Road, San Chung City, Taipei County, Northern Taiwan
Crichton Trading Co., 58 Changon W. Road, 7th Floor, Taipei, Taiwan
Founders Enterprises Ltd., 4th Floor, 34 Lane 81, Fu Hsing North Road, Sung Shan District, Taipei City, Northern Taiwan
Jar Jung Co. Ltd., P.O. Box 30–465, Taipei, Northern Taiwan
Kai Chen Industries, Co. Ltd., P.O. Box 48594, Taipei, Taiwan
Keyne Enterprise Co. Ltd., 1st Floor, 13 Lane 116, Chien Min Road, Shih Pai District, Taipei City, Northern Taiwan
Ladies and Gentlemen Ornaments Co. Ltd., 2nd Floor, 117 San Yang Road, San Chung City, Taipei County, Northern Taiwan
Lay Grand Co. Ltd., Fifth Floor, Hung Fu Nan Fu Bldg., 96 Roosevelt Road, Section 1, Ky Ting District, Taipei City, Northern Taiwan
Lien Ho Plastic Co. Ltd., 2nd Floor, 4 Alley 2 Lane 325, Shui Yuan Road, Hsi Chih Toun, Taipei County, Northern Taiwan
Lion City Industries (also d/b/a/ Lion City Industrial Co. Ltd.), 1st Floor, 3 Alley 20 Lane 158, Pa Te Road, Section 3, Taipei City, Northern Taiwan
Shine Land Inc., F. 8, No. 97, Section 2, Nan King E. Road, Taipei, Taiwan
Shiuh Cha Trading Ltd., 8th Floor, 139 Keelung Road, Section 1, Taipei City, Northern Taiwan
Ta Hsin Co. Ltd., 2nd Floor, 171 Chung Hsiao Road, Section 1, San Chung City, Taipei County, Northern Taiwan
Te Feng Industrial Store, 2nd Floor, 18 Alley 58 Lane 7, Li Ming Road, Nan Tun District, Taichung City, Central Taiwan
The Superior Taiwan Corp., P.O. Box 55–1266, Taipei, Northern Taiwan
Tiger Lion Enterprise Co. Ltd., 5th Floor, 7 Lane 342, Lung Chiang Road, Chung Shan District, Taipei City, Northern Taiwan
Y.C. Low Enterprise Co. Ltd., 6th Floor, 470–472 PA TE Road, Section 4, Sung Shan District, Taipei City, Northern Taiwan
Ying Zan Enterprises Corp., 5th Floor-1, 212 An Ho Road, Ta An District, Taipei City, Northern Taiwan
Bethel Enterprises Co., 58 West 28th Street, New York, New York 10001
C.H. Trade, 20 West 27th Street, New York, New York 10001
Dai-Dai Industrial Corp. (also d/b/a JC Imports and FADA Trading), 1204 Broadway, New York, New York 10001
Dae Rim Trading, Inc., 43 West 30th Street, New York, New York 10001
Hope Industries Inc., 1170 Broadway, New York, New York 10001
Jim Trading Corp., 1181 Broadway, New York, New York 10001
Komax General Corp. (also d/b/a The Komax General Corp.), 1232 Broadway, New York, New York 10001
Mason Imports, Inc., 1214 Broadway, New York, New York 10001
Motivic Inc., 53 West 36th Street, New York, New York 10001
Multinational Products Corp. (also d/b/a Multinational Products), 1181 Broadway, New York, New York 10001
Samba Trading Corp. (also d/b/a Samba Jewelry Corp.), 842 Avenue of the Americas, New York, New York 10001
Top Line, 1220 Broadway, New York, New York 10001
Young Man General Merchandise Co., 41 West 30th Street, New York, New York 10001
Yu Il International Trading Corp. (also d/b/a Yuil International Trading Corp.), 868 Avenue of the Americas, New York, New York 10001

(c) Gary Rinkerman, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street, NW., Room 128, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(4) For the investigation so instituted, Janet D. Saxon, Acting Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer. Pursuant to § 210.24(e) of the Commission's Rules of Practice and Procedure, the presiding officer shall determine as expeditiously as possible whether or not temporary relief proceedings should be instituted.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considerd by the Commission if received not later than 20 days after the date of service of the complaint. Responses to the motion for expedited temporary relief may be submitted by the named respondents in accordance with § 210.24(e)(3) of the Commission's rules. Any such responses must be filed within 20 days after service of the motion. Extensions of time for submitting responses to the complaint and/or the motion for expedited temporary relief will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a wavier of the right to appear and contest the allegations of the complaint and this notice and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Room 156, Washington, D.C. 20436, telephone 202/523–0471.

FOR FURTHER INFORMATION CONTACT: Gary Rinkerman, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202/523–1273.

Issued: August 24, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–23006 Filed 8–29–84; 8:45 am]

BILLING CODE 7020–02–M

[332–190]

Headwear of Cotton and of Manmade Fibers

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) concerning headwear of cotton and of manmade fibers.

EFFECTIVE DATE: August 22, 1984.

FOR FURTHER INFORMATION CONTACT: Reuben Schwartz (202–523–0114) or Marilyn Borsari (202–523–5703), Textiles, Leather Products, and Apparel Division, U.S. International Trade Commission, Washington, D.C. 20436.

Background and Scope of Investigation

The Commission instituted investigation No. 332–190, Headwear of Cotton and of Manmade Fibers, following receipt on June 13 and July 23, 1984, of a request therefor from the United States Trade Representative. The data collected will be used by the Committee for the Implementation of Textile Agreements in assessing the effect of imports of headwear of cotton

and of manmade fibers on the U.S. industry.

In accordance with the Trade Representative's request, the objective of the study will be to gather and present the following information with respect to headwear of cotton and of manmade fibers: U.S. production, imports, exports, capacity utilization, productivity, unfilled orders, inventories, employment, and prices. The Commission expects to complete its study by January 4, 1985.

By Order of the Commission.

Issued: August 24, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-23006 Filed 8-29-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-198]

Certain Portable Electronic Calculators; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Sears, Roebuck & Co.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on August 27, 1984.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: August 27, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-23005 Filed 8-29-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-196 (Preliminary)]

Certain Red Raspberries From Canada

Determination

On the basis of the record [1] developed in investigation No. 731-TA-196 (Preliminary), the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is threatened with material injury [2] by reason of imports from Canada of red raspberries, provided for in items 146.54, 156.56, and 146.74 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On July 5, 1984, growers and packers of red raspberries and the American Frozen Food Institute filed a petition with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of certain red raspberries from Canada. Accordingly, effective July 5, 1984, the Commission instituted antidumping investigation No. 731-TA-196 (Preliminary) under section 733(a) of the Act. Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on July 18, 1984 (49 FR 29163). A public conference was held in Washington, D.C. on July 27, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on this investigation to the Secretary of Commerce on August 20, 1984. A public version of the Commission's report, *Certain Red Raspberries From Canada* (investigation No. 731-TA-196 (Preliminary), USITC Publication 1565, August 1984) contains the views of the Commission and information developed during the investigation.

Issued: August 20, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-23004 filed 8-29-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-178]

Certain Vinyl-Covered Foam Blocks; Commission Decision Not To Review Initial Determination; Deadline for Filing Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the initial determination (I.D.) of its presiding officer (ALJ) that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the above-captioned investigation. The parties to the investigation and interested Government agencies are requested to file written submissions on the issues of remedy, the public interest, and bonding.

Authority: 19 U.S.C. 1337; 19 CFR 210.50-210.56.

SUPPLEMENTARY INFORMATION: On July 26, 1984, the ALJ issued an I.D. that grants a motion for summary determination by the complainant. The ALJ has determined that there is a violation of section 337 in the unauthorized importation and sale of certain vinyl-covered foam blocks. No petition for review was filed. The

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[1] The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Lodwick finds a reasonable indication of material injury.

Commission on August 21, 1984, determined not to review the I.D. Consequently, the I.D. has become the Commission's determination on violation of section 337 in this investigation.

Recently, this investigation was terminated as to one of the two named respondents Talbot Toys, Inc., on the basis of a consent order. The summary determination effectively terminates the investigation with respect to the remaining respondent, Candid Industies.

Written Submissions

Inasmuch as the Commission has found that a violation of section 337 has occurred, it may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States and/or (2) cease-and-desist orders forbidding unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of relief, if any, that should be ordered.

If the Commission contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors that the Commission will consider include the effect that an exclusion order and/or a cease-and-desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles that are like or directly competitive with those that are the subject of the investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions concerning the effect, if any, that granting relief would have on the public interest.

If the Commission orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving written submission concerning the amount of the bond, if any, that should be imposed.

The parties to the investigation and interested Government agencies are requested to file written submissions on the issues of remedy, the public interest, and bonding. The complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or a proposed cease-and-desist order for the Commission's consideration. Persons other than the parties and Government agencies may file written submissions addressing the issues of remedy, the public interest, and bonding. Written submissions on remedy, the public interest, and bonding must be filed not later than the close of business on the day that is fourteen (14) days after publication of this notice in the Federal Register.

Commission Hearing

The Commission does not plan to hold a public hearing in connection with final disposition of this investigation.

Additional Information

Persons submitting written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadline stated above. Any person desiring to submit a document (or a portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment by the ALJ. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's office.

Notice of this investigation was published in the Federal Register of December 29, 1983, 48 FR 57834.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Office of the General Counsel, telephone 202–523–0079.

Issued August 24, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–23007 Filed 8–29–84; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–6 (Sub-216X]

Burlington Northern Railroad Co.; Abandonment in Adams County, IL; 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 milepost 265.32 near Quincy and milepost 269.60 near Marblehead, a distance of approximately 4.20 miles in Adams County, IL.

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 the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in Illinois has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines,* 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective on September 28, 1984, (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by September 10, 1984, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by September 18, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Peter M. Lee, 3800 Continental Plaza, Forth Worth, TX 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 conditional upon environmental or public use conditions.

Decided: August 17, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84–23043 Filed 8–29–84; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–43 (Sub-113X)]

Illinois Central Gulf Railroad Co.; Abandonment Exemption in Livingston County, IL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the Illinois Central

Gulf Railroad Company from the requirements of prior approval under 49 U.S.C. 10903 *et seq.* regarding the abandonment of 1.44 miles of track extending from milepost 106.01 to milepost 107.45 at Pontiac, Livingston County, IL, subject to the standard employee protective conditions.

DATES: This exemption shall be effective on October 1, 1984. Petitions for reconsideration must be filed by September 19, 1984. Petitions for stays must be filed by September 10, 1984.

ADDRESSES: Send pleadings referring to Docket No. AB–43 (Sub-No. 113X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioner's representative: John H. Doeringer, 233 N. Michigan Avenue, Chicago, IL 60601

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: August 21, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Chairman Taylor was absent and did not participate.

James H. Bayne,

Secretary.

[FR Doc. 84–23044 Filed 8–29–84; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30534]

Pocono Northeast Railway, Inc.; Securities and Acquisition and Operation Exemption in Plains Township and Wilkes-Barre, PA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission (1) exempts from the requirement of prior approval under 49 U.S.C. 11343 *et seq.* the acquisition and operation by Pocono Northeast Railway, Inc., of two lines of railroad belonging to the Delaware & Hudson Railway Company, one extending from milepost 208.08 in Plains Township, PA, to milepost 210.69 near Conyinghan Street in Wilkes-Barre, PA, a distance of 2.61 miles, and the other extending from milepost 209.87, an intermediate point on the line described above, to the north line of Linden Street in Wilkes-Barre, a distance of about 2,500 feet, subject to employee protective conditions; and (2) exempts from the requirement of prior approval under 49 U.S.C. 11301 the insurance by Pocono Northeast Railway, Inc., of a secured note in the amount of $90,000 in connection with its acquisition of the lines of railroad described above.

DATES: These exemptions shall be effective on August 29, 1984. Petitions to reopen must be filed by October 1, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30534 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioner's representative: Mark H. Sidman, Suite 350, 1575 Eye Street, NW., Washington, DC 20005

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: August 21, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Chairman Taylor was absent and did not participate.

James H. Bayne,

Secretary.

[FR Doc. 84–23042 Filed 8–29–84; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Coordinating Council on Juvenile Justice and Delinquency Prevention; Meeting

The third quarterly meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention will be held in Washington, D.C., on September 20, 1984. The meeting will take place in the Departmental Conference Room at the Department of Housing and Urban Development, Room 10233, 451 Seventh Street, SW., from 9:00 to 12 noon. The public is welcome to attend.

The agenda will include matters related to the coordination of the federal effort in the area of juvenile justice and delinquency prevention.

For further information, please contact Roberta Dorn, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, D.C. 20531, (202) 724–7655.

Dated: August 24, 1984.

Alfred S. Regnery,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 84–23059 Filed 8–29–84; 8:45 am]

BILLING CODE 4410–18–M

National Advisory Committee for Juvenile Justice and Delinquency Prevention; Meeting

The thirty-second quarterly meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention will be held in Washington, D.C., on September 11 and 12, 1984.

The meeting will be held at the Georgetown Inn, Georgetown Court, 1310 Wisconsin Avenue, NW., from 9:00 a.m. to 5:00 p.m. daily. The public is welcome to attend.

The agenda will include discussion and topics related to the redirection of the Federal effort in juvenile justice.

For further information, please contact Roberta Dorn, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, D.C. 20531, (202) 724–7655.

Dated: August 22, 1984.

Alfred S. Regnery,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 84–23061 Filed 8–29–84; 8:45 am]

BILLING CODE 4410–18–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 84–69]

NASA Advisory Committee on Minority Graduate Researchers; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Subcommittee of the NASA Advisory Committee on Minority Graduate Researchers.

DATE AND TIME: September 7, 1984, 8 a.m. to 4:30 p.m.

ADDRESS: NASA Headquarters, 400 Maryland Avenue, SW, Room 6004, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Harriett G. Jenkins, Code U, National

Aeronautics and Space Administration, Washington, D.C. 20546 (202/453–2167).

SUPPLEMENTARY INFORMATION: The NASA Advisory Committee on Minority Graduate Researchers was established to advise senior management on the most desirable approaches, strategies or systems which will help expand the resource pool of talented minorities who can carry out significant scientific and engineering research related to NASA objectives. The Committee is chaired by Dr. John Hernandez and is composed of eight members. The Subcommittee is composed of three members. It is imperative that the Subcommittee meet at this time to consolidate the Committee's findings and develop the final Committee Report to NASA within the next few weeks.

Visitors will be admitted to the meeting room up to its capacity, which is approximately 50 persons including Committee members and other participants. Visitors will be requested to sign a visitor's register.

Type of Meeting: Open.

Agenda:

September 7, 1984

8 a.m. Welcome, housekeeping items and tasks for the day.

9:15 a.m. Subcommittee members will develop the final Committee Report for NASA, and on which the Agency will base its report to Congress.

4:30 p.m. Adjourn.

Dated: August 23, 1984.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

[FR Doc. 84–22990 Filed 8–29–84; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATE: Comments on this information collection must be submitted by October 1, 1984.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Service Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506 (202–786–0233) or Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, D.C. 20503 (202–395–6880).

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, D.C. (202–786–0233) from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

New Form

Title: Faculty Graduate Study Program for Historically Black Colleges and Universities
Form Number: N/A
Frequency of Collection: Annually
Respondents: Individuals and Historically Black Colleges and Universities
Use: Application, evaluation, and award process for NEH Graduate Study Program for Faculty at Historically Black Colleges and Universities
Estimated Number of Respondents: 50
Estimated Hours of Respondents to Provide Information: 725

Dated: August 24, 1984.

Victor J. Loughnan,

Director, Division of Administration.

[FR Doc. 84–23040 Filed 8–29–84; 8:45 am]

BILLING CODE 7536–01–M

National Endowment for the Arts

Inter-Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Presenting Organizations Section) to the National Council on the Arts will be held on September 17, 1984 from 9:00 a.m.–9:00 p.m.; September 18, 1984 from 8:30 a.m.–9:00 p.m.; September 19, 1984 from 8:30 a.m.–6:45 p.m.; and, September 20, 1984 from 8:00 a.m.–7:00 p.m. in Room M–07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC.

A portion of this meeting will be open to the public on September 20 from 4:30–7:00 p.m. to discuss policy and guidelines.

The remaining sessions of this meeting on September 17 from 9:00 a.m.–9:00 p.m.; September 18 from 8:30 a.m.–9:00 p.m.; September 19 from 8:30 a.m.–6:45 p.m.; and, September 20 from 8:00 a.m.–4:30 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, DC 20506, or call (202) 682–5433.

Dated: August 22, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–23063 Filed 8–29–84; 8:45 am]

BILLING CODE 7537–01–M

Theater 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 Theater Advisory Panel (Individuals Section) to the National Council on the Arts will be held on September 14, 1984, from 9:00 a.m.–5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation of 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 subsection (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: August 22, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–23062 Filed 8–29–84; 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 (Multi-Music Presenters Section) to the National Council on the Arts will be held on September 19–21, 1984 from 9:00 a.m.–5:30 p.m. in Room 730 of the Nancy Hawks Center, 1100 Pennsylvania Avenue, NW, Washington, DC.

A portion of this meeting will be open to the public on September 21 from 10:00 a.m.–12:30 p.m., to discuss policy and guidelines.

The remaining sessions of this meeting on September 19–20 from 9:00 a.m.–5:30 p.m.; September 21 from 9:00 a.m.–10:00 a.m. and 12:30 p.m.–5:30 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, DC 20506, or call (202) 682–5433.

Dated: August 23, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–23074 Filed 8–29–84; 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 (Festivals Section) to the National Council on the Arts will be held on September 17–18, 1984 from 9:00 a.m.–5:30 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC.

A portion of this meeting will be open to the public on September 18 from 2:00–3:00 p.m. to discuss policy and guidelines.

The remaining sessions of this meeting on September 17 from 9:00 a.m.–5:30 p.m. and on September 18 from 9:30 a.m.–2:00 p.m. and from 3:00–5:30 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, DC 20506, or call (202) 682–5433.

Dated: August 24, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–23075 Filed 8–29–84; 8:45 am]
BILLING CODE 7537–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Availability of Reports and Recommendations

Reports Issued

Highway Accident Report: Samuel Coraluzzo Company, Inc., Tractor Cargo Tank Semitrailer Mechanical Failure, Overturn, and Fire, Interstate 76 (Schuykill Expressway), Philadephia, Pennsylvania, October 7, 1983 (NTSB/HAR–84/02) (NTIS Order No. PB84–916202).

Pipeline Accident Report: Mid-America Pipeline System Liquefied Petroleum Gas Pipeline Rupture, West Odessa, Texas, March 15, 1983 (NTSB/PAR–84/01) (NTIS Order No. PB84–916501).

Pipeline Accident Report: Interstate Power Company Natural Gas Explosion and Fire, Clear Lake, Iowa, July 12, 1983 (NTSB/PAR–84/02) (NTIS Order No. PB84–916502).

Railroad Accident Report: Rear End Collision of Seaboard System Railroad Freight Trains Extra 8051 North and Extra 1751 North, Sullivan, Indiana, September 14, 1983 (NTSB/RAR–84/02) (NTIS Order No. PB84–916302).

Safety Study: Airport Certification and Operations (NTSB/SS–84/02) (NTIS Order No. PB84–917002).

Aircraft Accident Report: Republic Airlines, Inc., Convair 580, N844H, Brianerd, Minnesota, January 9, 1983 (NTSB/AAR–83/08) (NTIS Order No. PB83–910408.

Aircraft Accident Report: Eastern Air Lines, Inc., Boeing 727–225, N8838E, Raleigh, North Carolina, November 12, 1975 (NTSB/AAR–83/06) (Supersedes—NTSB–AAR–76–15) (NTIS Order No. PB83–910406).

Aircraft Accident Report: Landry Aviation Lockheed Learstar L–18, N116CA, Silvana, Washington, August 21, 1983 (NTSB/AAR–84/06) (NTIS Order No. PB84–910406).

Aircraft Accident Reports: Brief Format, U.S. Civil and Foreign Aviation, Issue Number 14 of 1982 Accidents (NTSB/AAB–84/06) (NTIS Order No. PB84–916906).

Aircraft Accident Reports: Brief Format, U.S. Civil and Foreign Aviation Issue Number 15 of 1982 Accidents (NTSB/AAB–84/07) (NTIS Order No. PB84–916907).

Aircraft Accident Reports: Brief Format, U.S. Civil and Foreign Aviation Issue Number 12 of 1982 Accidents (NTSB/AAB–84/04) (NTIS Order No. PB84–916904).

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703–487–4650 and to order subcriptions to reports call 703–487–4630.

Recommendations To

Aviation—*Federal Aviation Administration: Jul. 9: A–84–65:* In conjunction with the airplane manufacturer, evaluate the circumstances of recent incidents of

main landing gear malfunctions involving Boeing 727 airplanes which have been modified in accordance with the original Airworthiness Directive 79–04–01, with particular emphasis on the geometric relationship between the main landing gear and the wheelwell doors that may permit the tire to jam on the wheel-well door so that the gear cannot be extended, to determine whether the provisions of revised Airworthiness Directive 79–04–01 regarding optional installation of the new safety bar identified in Boeing Service Bulletin 727–32–275 should be made mandatory as an added measure to preclude landing gear/wheel-well door jams. *Jul. 11: A–84–66:* Review the design, the installation, and the maintenance requirements for the stall avoidance system on Fairchild Swearingen Models SA 226 and SA 227 airplanes to verify system reliability and maintainability, and take action as needed to preclude unwarranted actuations of the system that could present hazards to the airplanes. *Jul. 12: A–84–76:* Require that Air Carrier Principal Operations Inspectors review the training programs of their respective carriers and if necessary specify that they be amended to emphasize requirements:

—For flightcrews to take immediate and aggressive action to determine the source and severity of any reported cabin fire and to begin an emergency descent for landing or ditching if the source and severity of the fire are not positively and quickly determined or if immediate extinction is not assured.

—For flight attendants to recognize the urgency of informing flightcrews of the location, source, and severity of any fire or smoke within the cabin.

—For both flightcrews and flight attendants to be knowledgeable of the proper methods of aggressively attacking a cabin fire by including hands-on-training in the donning of protective breathing equipment, the use of the fire ax to gain access to the source of the fire through interior panels which can be penetrated without risk to essential aircraft components, and the discharge of an appropriate hand fire extinguisher on an actual fire.

A–84–77: Require that Airplane Flight Manuals, Air Carrier Flight Operations manuals, and Flight Attendant Manuals be amended to include comprehensive discussions and illustrations showing the proper use of a fire ax and the locations in each model of aircraft operated where a fire ax can be used safely to gain access to a fire or smoke emission source. *A–84–78:* Require that those interior cabin panels of transport category airplanes, including panels of the lavatories and galleys, which can be safely penetrated with a fire ax be identified by an acceptable and standardized means. *Jul. 13: A–84–67:* Require the manufacturer to revise the FAA-approved flight manual for the Bell 206 model helicopter to include the information on loss of tail rotor effectiveness provided in Operations Safety Notice 206–83–10. *A–84–68:* Review and evaluate the substantiation data for the Bell 206 model helicopter, collected in flight testing, to show compliance with 14 CFR 27.143-Controllability and Maneuverability, to verify that the rotorcraft is safety controllable and maneuverable during steady-state flight and during any maneuver appropriate to the type; if compliance is not verified, requre appropriate modifications or limitations of the helcopters' flight envelope. *Jul. 16: A–84–69:* Institute recurrent training for all air traffic control personnel which emphasizes the need for strict adherence to existing position relief briefing procedures to assure a timely and complete transfer of essential information. *A–84–70:* Modify flight progress strip marking procedures pertaining to "wrong altitude for direction of flight" assignments to uniformly require inclusion of a notation regarding the status of the transfer of relevant information to other controllers. *A–84–71:* Require as part of each facility's Quality Assurance Program that the Regional Flight Surgeon or his designee examine air traffic control personnel who have been invoved in an operational error or similar incident before they are allowed to return to operational duties. *A–84–72:* Expedite the acquisition of sufficient satellite channels to provide the Miami ARTCC with uninterrupted radar service in the area of proposed expanded radar coverage. *A–84–73:* Acquire sufficient satellite channels for the Miami ARTCC to improve the quality and reliability of radio communications transmitted to/from remote island facilities. *A–84–74:* Review the route intersections currently used for computer-generated flight progress strip postings in the Miami ARTCC oceanic area and designate additional intersections as necessary to assist controllers to detect more reliably potential crossing traffic/route conflicts within the nonradar environment. *Jul. 16: A–84–79:* Issue an Airworthiness Directive applicable to Cessna Models 206, 207, and nonturbocharged Model 210, to require a periodic inspection of the induction airbox assembly for evidence of cracking, chafing, or looseness and to require that the airbox be repaired, replaced, or secured as necessary. *A–84–80:* Evaluate the installation of the new, heavier Cessna induction airbox assembly, Part No. 1250705–8, as a possible alternative to the periodic inspection of the original airbox assembly for evidence of cracking chafing, or looseness. *A–84–81:* Emphasize in Advisory Circular No. 43–16, General Aviation Airworthiness Alerts, occurrences of induction airbox metal fatigue and breakage due to vibration and the importance of rigorous periodic inspections of the assemblies for evidence of cracking, chafing, or looseness. *Aug. 15: A–84–85:* Issue an Airworthiness Directive to require compliance with the provisions of Piper Aircraft Corporation Service Bulletin No. 779, dated May 25, 1984, which recommends inspection of the strut housing assembly and replacement of the landing gear upper bearing retaining pins within the next 100 hours of operation or at the next scheduled maintenance event, whichever occurs first. *Aug. 15: A–84–87:* Conduct a Directed Safety Investigation (DSI) of Mooney Model M–20 and M–20A airplanes to ascertain the degree of undetected structural deterioration of these airplanes. If the results indicate a significant level of deterioration, an Emergency Airworthiness Directive should be issued requiring an immediate inspection of all M–20 and M–20A airplanes and/or replacement of the wood empennage with an all-metal empennage as provided for in Mooney Service Bulletin M–20–170A. The inspections should be performed at a Mooney Service Center or at other approved facilities skilled in the maintenance of wooden airplanes. *A–84–88:* Issue an Airworthiness Directive requiring that the next 100-hour or annual inspection of Mooney Model M-20 and M-20A airplances be performed at a Mooney Service Center or at other designated facilities skilled in the maintenance of wooden airplanes. Similar inspections conducted at these designated facilities should be required at appropriate, periodic intervals, e.g., once every 3 years. *A–84–89:* Issue an Airworthiness Directive requiring that owners/operators of Mooney M-20 and M-20A airplanes shelter the airplanes from the environment when parked, either by hangaring or through the use of wing and empennage covers. *A–84–90:* Issue an Advisory Circular relating to the maintenance, inspection, and repair of wooden airplanes exclusively. *A–84–91:* Continue to publish malfunction and Defect Reports regarding the deterioration of wooden airplanes in Advisory Circular No. 43–16, General Aviation Airworthiness Alerts. *A–84–92:*

Conduct a research and development program at the Federal Aviation Administrations' Technical Center to determine the potential of various nondestructive testing techniques in applications involving the inspection of wooden airplanes. *Aug. 15: A–84–93:* Establish at the Civil Aeromedical Institute the capability to perform state-of-the-art toxicological tests on the blood, urine, and tissue of pilots involved in fatal accidents to determine the levels of both licit and illicit drugs at both therapeutic and abnormal levels. *A–84–94:* Review the research and literature on the potential effects on pilot performance of both licit and illicit drugs, in both therapeutic and abnormal levels, and use that to develop and actively disseminate to pilots usable guidelines on potential drug interactions with piloting ability. *A–84–95:* In coordination with the Office of the Secretary, U.S. Department of Transportation, institute appropriate research to further the understanding of potential effects on pilot performance of both licit and illicit drugs, in both therapeutic and abonormal levels, and actively disseminate those findings. *Aug. 15: A–84–86:* Identify the makes and models of twin-engine airplanes equipped with prestolite 100-ampere alternators and evaluate them for susceptibility of the alternators to ice formation in the brushholders that can cause interruption of electrical power generation, and take the action necessary to correct any deficiencies that cause such ice formation. *Aug. 23: A–84–97:* Require that use of a combination of methods, such as the fluorescent penetrant and eddy current inspection methods, to detect cracks in their initial stages in CF 6–50 stage 1 high pressure turbine disks in order to increase the reliability of detecting cracks in these disks. *Aug. 23: A–84–98:* Require that airports certificated for air carrier operations install signs at all runway and taxiway entrances, exits, and intersections that indicate the identity to the runway or taxiway. *A–84–99:* Require that the graphics on taxiway/runway identification signs be standardized and of sufficient size to enable them to be legible to aircraft crewmembers in all meteorological conditions in which air carrier operations are authorized. *A–84–100:* Require that airport operators inspect and maintain the lights illuminating airport taxiway/runway identification signs as part of the daily airport inspection requirements. *A–84–101:* Require at all airports certificated for air carrier operations that uniform signs be installed which are classified by function (e.g., runway entrance, runway exit, taxiway intersection) with each function having a unique shape, color, and/or size so that runway entrance signs are distinguishable from all other advisory signs on airport property. *A–84–102:* Require that air carriers incorporate in training of their crewmembers procedures and responsibilities during ground operations in restricted visibility conditions, to enable them to operate safely in such conditions.

U.S. Department of Transportation: Jul. 16: A–84–75: Take the action needed to minimize delays and additional schedule slippages in the completion and commissioning of the radar installation at Nassau, Bahamas, and Grand Turk Island.

Ayres Corporation: Jul. 9: A–84–64: Issue a mandatory Service Bulletin for Aero Commander, S2R agricultural airplanes with serial numbers preceding S/N 2241 that would require the installation of a doubler that adequately distributes shoulder harness crash loads to prevent the tearing of the aft cockpit bulkhead structure.

Highway—*State of Connecticut: Jul. 19: H–84–31:* Reopen the paved-over drains on the Mianus River Bridge and any other bridge in Connecticut which may have paved-over drains, institute a program to modify the bridge drainage systems so that they provide for proper runoff of surface water and to require regular cleaning and maintenance of drainage systems. *H–84–32:* Establish and enforce a policy of reviewing and evaluating proposed modifications of bridge drainage systems to preclude reducing the effectiveness of the systems. *H–84–33:* Require the cleaning of critical elements of bridges and access routes thereto immediately before or in the course of major bridge safety inspections. *H–84–34:* Improve the quality of review of bridge inspection reports, and provide for face-to-face reviews of reports on a selected sample of bridges by reviewers and inspectors. *H–84–35:* Revise Bridge Inspection Form BRI 18 (Ed.1–81) to provide for the recording of information regarding:

(1) Specified critical elements with individual ratings supported by a narrative explanation;

(2) Observations and measurements of alignment of members; and

(3) Use of specialized equipment to gain access to the bridge area being inspected or the reasons why specialized equipment was not used.

H–84–36: Prepare individual inspection and maintenance manuals for large or complex bridges within Connecticut. *H–84–37:* After consultation with the Bridge Safety and Inspection Section, install as necessary, handholds, safety belt connections, handrails, catwalks, and safety wires on existing bridges to assist inspectors in safely moving through the superstructures and gaining access to critical elements of the bridge. *H–84–38:* Review the bridge safety inspection manuals and bridge maintenance manuals and voluntary standards of the American Association of State Highway and Transportation Officials and incorporate those which affect bridge safety into the Connecticut Department of Transportation bridge safety inspection procedures and bridge maintenance practices. *H–84–39:* Require that a representative of the Bridge Safety and Inspection Section review the plans for new bridges for safe and effective inspectability and maintainability before acceptance of the design.

Federal Highway Administration: Jul. 19: H–84–40: Develop a detailed and comprehensive integrated bridge inspection procedure using all available source materials, including but not limited to the Federal Highway Administration's "Bridge Inspector's Training Manual" and the American Association of State Highway and Transportation Officials' "Manual for Bridge Maintenance (1976)" and "Manual for Maintenance Inspection of Bridges (1978)." *H–84–41:* Amend 23 CFR 650.303 to include an integrated bridge inspection procedure in its entirety or to incorporate such a procedure by reference. *H–84–42:* Develop a model bridge inspector's field handbook in a convenient checklist format which encompasses all the elements of an integrated bridge inspection procedure to be prescribed by 23 CFR 650.303 if amended as recommended by the Safety Board. *H–84–43:* Establish a bridge inspection enforcement program that will assure compliance with 23 CFR 650.303 amended as recommended by the Safety Board. *H–84–44:* Develop and disseminate procedures for inspection of hidden elements of pin and hanger assemblies which do not involve the dismantling of the assemblies. *H–84–45:* Prescribe objective dimensional standards for the alignment of bridge spans to facilitate detection of misalignment caused by deterioration of pin and hanger assemblies. *H–84–46:* In cooperation with the States, identify bridges that have a pin and hanger assembly design using bearing stresses above those allowed by the 1983 Interim Specification-Bridges, 1983 of the American Association of State Highway and Transportation Officials, and designate them for frequent inspection.

H–84–47: Augment the current inventory and rating methodology of the National Bridge Inspection Standards, which emphasizes an overall rating for planning large-scale replacement or rehabilitation funding, to require inspections and ratings of sufficient depth and detail to address all elements critical to safety. *H–84–48:* Require that the design of any Federal-aid bridge include an analysis of inspectability and maintainability. *H–84–49:* Conduct detailed inspections of the Mianus River Bridge and other representative bridges having a skewed and nonskewed suspended span design with pin and hanger assemblies to determine whether there is a significant difference between the two designs in terms of the movement of hangers on pins due to either dead or live loading and whether such movement is acceptable. *H–84–50:* Require each State to develop an individualized inspection procedure for each bridge under State inspection jurisdiction that has critical elements whose failure will almost certainly result in a catastrophic failure of the bridge. *H–84–51:* Prescribe criteria for in-depth inspections of pin and hanger assemblies based on objective measures of the risk of hidden deterioration, such as the time since the last inspection, and/or whether the pin and hanger assembly is dismantled. *H–84–52:* Prescribe an objective standard for repair or replacement of pin and hanger assemblies according to measured conditions of misalignment, distortion, or changes in the position of elements of the assembly. *H–84–53:* Change the format of the "Bridge Inspector's Training Manual" to provide for page-change updating, to key the manual to inspection forms, to prescribe mandatory examinations and inspector evaluations of individual critical elements as well as overall conditions, and to describe an optional methodology for effective on-site inspection. *H–84–54:* Include in the annual bridge inspection program audit a review of the State's bridge inspection training programs.

American Association of State Highway and Transportation Officials: Jul. 19: H–84–55: Modify Article 1.7.27 of the "Standard Specifications for Highway Bridges" (1977) and succeeding "Interim Specifications" to describe forces which might result in lateral movements of members on pins to be considered in designing pinned assemblies.

U.S. Department of Transportation: Jul. 19: H–84–56: Direct the DOT Inspector General to review the Federal Highway Administration's bridge inspection audit program for its sufficiency in establishing State compliance with the National Bridge Inspection Standards.

American Institute of Steel Construction: Jul. 19: H–84–57: Review the pin cap detail shown in the AISC Manual of Steel Construction to determine if it should be deleted from the manual or if qualifying conditions should be attached to its use.

National Committee on Uniform Traffic Laws and Ordinances: Jul. 19: H–84–58: Modify Section 12–220 of the Uniform Vehicle Code to require the use of hazard warning signals whenever a motor vehicle becomes a hazard to motorists on a highway.

Note.—Single copies of these recommendation letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include recommendation number in your request. Copies of recent recommendations are free of charge while supplies last. Recommendations that must be photocopied will be billed at a cost of 14 cents per page ($1 minimum charge).

Dated: August 24, 1984.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

[FR Doc. 84–23032 Filed 8–29–84; 8:45 am]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Extension.

2. The title of the information collection:

NRC Form 482, "Registration Certificate—Medical Use of Byproduct Material Under General License"

3. The form number if applicable: NRC Form 482.

4. How often the collection is required: New registrations may be submitted at any time. Renewal is not required, but changes to the information submitted must be reported to NRC within 30 days of the change.

5. Who will be required or asked to report: Physicians who wish to use certain radioactive byproduct materials for specified diagnostic uses under the general license established in 10 CFR 35.31.

6. An estimate of the number of responses: 20.

7. An estimate of the total number of hours needed to complete the requirement or request: 10.

8. An indication of whether Section 3504 (h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: NRC Form 482 must be submitted by physicians wishing to use certain radioactive byproduct materials for specified diagnostic uses under the general license established in 10 CFR 35.31.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395–7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 27th day of August 1984.

For the Nuclear Regulatory Commission.

Michael L. Springer,

Deputy Director, Office of Administration.

[FR Doc. 84–23106 Filed 8–29–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–293]

Boston Edison Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of relief from the requirements of 10 CFR 50.55a(g)(6)(i) to Boston Edison Company (the licensee), for the Pilgrim Nuclear Power Station, located in Plymouth County, Massachusetts.

Environmental Assessment

Identification of Proposed Action

The relief would extend the date for completion of the ASME hydrostatic tests of Classes II and III systems at the plant following ten years of operation until startup from refuel outage number 7. That startup is expected to occur during the third quarter of 1986. About two-thirds of the tests will be completed during the present outage, including those for all components that are being replaced. Thus, the tests to be

postponed are approximately one-third of those required.

The relief would be responsive to the licensee's application for relief dated June 27, 1983.

The Need for the Proposed Action

The relief is needed because the licensee does not expect to complete all of the hydrostatic tests before resuming operation of the plant in October 1984. To meet the schedular requirements set forth by the ASME Boiler and Pressure Vessel Code, all of these would have to be completed during the current plant outage.

Environmental Impact of the Proposed Action

Postponement of one-third of the hydrostatic tests until the end of the 1986 outage should not have any adverse effects since the systems involved are subject to frequent observation by the operators during their rounds. Leakage from pipes, valves and other components would be noticed and corrected promptly. Therefore, the Commission concludes that there would be no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed relief involves features located entirely within the restricted area as defined in 10 CFR Part 20. In would not affect non-radiological plant effluents and would have no other environmetal impact. Therefore, the Commission concludes that there would be no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative Use of Resources

This action would involve no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Pilgrim Nuclear Power Station.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed relief.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for relief dated June 27, 1983, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Plymouth Public Library, North Street, Plymouth, Massachusetts.

Dated at Bethesda, Maryland, this 24th day of August 1984.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-23111 Filed 8-29-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-325/324]

Carolina Power & Light Co.; of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering granting relief from some requirements of 10 CFR 50.55a(g) to Carolina Power & Light Company (the licensee), for the Brunswick Steam Electric Plant, Units 1 and 2, located in Brunswick County, North Carolina.

Environmental Assessment

Identification of Proposed Action

The proposed relief would relax the requirements for inservice testing of some pumps and valves per 10 CFR 50.55a(g)(6)(i). The licensee has determined that certain test requirements were impractical and has provided its basis for the determinations. The relief requests from pump testing would be granted on the basis of alternate means of demonstrating operability or alternate times to demonstrate operability (i.e. cold shutdown vs during operations). The Relief requests granted from valve testing would be granted on the basis of alternate means of demonstrating operability, alternate frequency of testing, alternate times of testing or alternate procedures of testing. The fuel oil transfer system and the diesel generator air start valves were not included in the licensee's program. The staff review concluded that they should have been included. The licensee was so informed and agreed to include them in the next ten year first program beginning July 1984. All other pumps and valves important to safety have been properly included. The relief is responsible to the licensee's application for relief dated October 12, 1983, as supplemented by letter dated March 29, 1984.

The Need for the Proposed Action

The proposed relief is needed because certain requirements are not practical to be performed at the time or frequency indicated in Section XI of the ASME Code. In some cases alternate means or procedures for testing were found to be more practical. In all cases in which relief is proposed to be granted the licensee has provided the basis for the relief.

Environmental Impacts of the Proposed Action

The proposed relief will provide a degree of inservice inspection testing of pumps and valves that is equivalent to that required by Section XI of the ASME Code. Consequently, the probability of accidental failures of pumps and valves has not been increased and the post-accident radiological releases will not be greater then previously determined nor does the proposed relief otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed relief.

With regard to potential non-radiological impacts, the proposed relief involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed relief.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Brunswick Steam Electric Plant, Units 1 and 2.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed relief.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the relief dated October 12, 1983, and supplement dated March 29, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Southport Brunswick County

Library 108 W. Moore St. Southport, North Carolina 28461.

Dated at Bethesda, Maryland, this 27th day of August, 1984.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Deputy Director, Division for Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-23110 Filed 8-29-84; 8:45 am]

BILLING CODE 7590-01-M

[License No. 12-19730-01, EA 84-11]

Lixiscope of America, Inc.; Order Imposing Civil Monetary Penalties

I

Lixiscope of America, Inc. (the "licensee"), 3000 Dundee Road, Northbrook, IL 60062, is the holder of Byproduct Material License No. 12-19730-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the possession of iodine-125 as sealed sources for storage, use, demonstration, training and distribution in Lixiscope imaging devices. License No. 12-19730-01 was issued on July 1, 1981 and expires on June 30, 1986.

II

As a result of a routine inspection conducted on December 2, 1983 and January 10, 1984 by the Commission's Region III Office, the NRC staff determined that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties was served on the licensee by letter dated April 4, 1984.

The Notice stated the nature of the violations, the provisions of the Commission's requirements that the licensee had violated, and the cumulative amount of the proposed civil penalties. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalties with two letters dated April 10 and 27, 1984.

III

Upon consideration of the licensee's response and the statements of fact, explanation, and arguments for remission or mitigation of the proposed civil penalties contained therein, as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the violations occurred as stated, and the penalties proposed for the violations set out in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing, and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-285), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the cumulative amount of Two Thousand Five Hundred Dollars within 30 days of the date of this Order, by check, draft or money order payable to the Treasurer of the United States and mailed to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555. Other arrangements for payment may be submitted in writing to the Director, Office of Inspection and Enforcement, within 20 days of the date of this Order.

V

The licensee may, within 30 days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director at the same address. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Should the licensee fail to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings, and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties, and

(b) Whether on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland this 24th day of August 1984.

For the Nuclear Regulatory Commission

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusions

The violations and associated civil penalties are identified in the Notice of Violation and Proposed Imposition of Civil Penalties dated April 4, 1984. The Office of Inspection and Enforcement's Evaluation and Conclusions regarding the licensee's responses dated April 10 and 27, 1984 are presented herein. As requested by the licensee, we have disregarded the April 10th letter and consider that it was superseded by the April 27th letter.

In its response, the licensee admits that each violation occurred as described in the Notice of Violation. Additionally, the licensee offered several reasons why the civil penalties should be mitigated. NRC's evaluation of these reasons is presented below, followed by conclusions regarding the proposed civil penalties.

Licensee's Request for Mitigation

1. The licensee claims that it relied on the advice of its vendor, Lixi, Inc., and its former radiation protection consultant. While acknowledging its responsibility to comply with NRC requirements, the licensee argues that these circumstances warrant reconsideration of the NRC's finding with respect to careless disregard.

2. The licensee argues that the civil penalties should be mitigated because of its prompt corrective actions, and because it obtained a new radiation protection consultant.

3. Finally, the licensee argues that consideration should be given to its ability to pay in determining the amount of the civil penalty.

NRC Evaluation

1. The NRC determined the amount of the civil penalty in this matter based on the careless disregard shown by the licensee for NRC requirements and the licensee's lack of candor in dealing with the NRC.

When an NRC license is issued, the licensee must assume full responsibility for conducting all activities in accordance with NRC regulatory requirements. Although a licensee may choose to rely on others in carrying out certain responsibilities, the responsibility to assure that these activities are conducted in accordance with NRC requirements remains with the licensee. In this instance, the licensee completely delegated certain responsibilities for various activities to others and did not assure that these activities were conducted in accordance with NRC requirements.

The NRC's inspection of the licensee uncovered a substantial number of violations evidencing, at a minimum, lack of attention by the licensee in ensuring compliance with NRC requirements. The licensee argues in its response that some of the violations were caused in part by misleading representations made by the licensee's consultant regarding the licensee's regulatory responsibilities. The staff has examined Mr. Huber's letter of September 27, 1982 and does not believe that it can be read as the licensee suggests as being misleading regarding the licensee's obligation under the license. Even assuming for the purpose of argument that it was misleading, the responsibility for compliance with license conditions and the consequences of noncompliance remain with the licensee.

In addition to the substantial regulatory non-compliance found in the licensee's program, the NRC determination of careless disregard was based on the licensee's lack of candor in dealing with the NRC.

During the NRC inspection of the licensee's program on December 2, 1983 and January 10, 1984, and during the Enforcement Conference on January 13, 1984, the licensee made misleading statements to the NRC regarding

the receipt, use, and transfer of Lixiscopes containing iodine-125 sealed sources. Although not authorized to transfer iodine-125 sealed sources to residents of Maryland, the licensee stated that it believed it was authorized even though the State of Maryland had specifically denied authorization. In addition, during the Enforcement Conference, the licensee stated it had recalled an iodine-125 sealed source from Maryland and that this source was now in storage at its Northbrook, Illinois facility. However, it then admitted the source had never been recalled but instead had been transferred to another resident of Maryland. Such misleading statements to the NRC further demonstrate a careless disregard for NRC requirements.

Such egregious conduct on the part of the licensee warranted substantial escalation of the base civil penalty and the licensee's submittal has provided no adequate basis for mitigation.

2. The violations described in the April 4, 1984 Notice of Violation were identified by the NRC and, although corrective actions were taken by the licensee, they were neither unusually prompt nor extensive. Mitigation of civil penalties is only warranted when prompt and extensive corrective actions are taken. Corrective action is always required and normal corrective actions are not considered a basis for mitigation of civil penalties.

3. The NRC's Enforcement Policy recognizes that a licensee's ability to pay is a proper consideration in determining the amount of civil penalties and this was taken into account when the civil penalties were proposed. If the licensee at this time still wants to make equal quarterly installments as requested in their April 27th letter, a request in writing should be submitted to the Director, Office of Inspection and Enforcement within 20 days of the date of the enclosed Order.

Conclusion

After reviewing the licensee's reasons why the civil penalties should be mitigated, the NRC Staff has concluded that the licensee has not provided an adequate basis for mitigation of the civil penalties. Accordingly, civil penalties of Two Thousand Five Hundred Dollars are imposed.

[FR Doc. 84-23107 Filed 8-29-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-322-OL]

Long Island Lighting Co., (Shoreham Nuclear Power Station, Unit 1; Resumption of Hearing Regarding Emergency Diesel Engines)

August 23, 1984.

Please take notice that the Atomic Safety and Licensing Board will convene, on September 10, 1984, at 10:30 a.m., the resumption of the evidentiary hearing in the Nuclear Regulatory Commission proceeding on the application of Long Island Lighting Company (LILCO) for a license to operate the Shoreham Nuclear Plant located in Suffolk County, Long Island, New York. The hearing will be held at the New York State Court of Claims, State Office Building, Veterans Memorial Highway, Hauppauge, New York. The hearing will continue, as necessary, generally on a Monday through Thursday schedule.

The purpose of this session of hearing is to take up the contention of Suffolk County which calls into question whether there is reasonable assurance that the Shoreham emergency diesel generators can reliably perform their function of providing backup electrical power to run the nuclear plant safely in the event of a loss of all off-site power sources. In its September 1983 decision, the Board indicated that the diesel generator issue which had only recently arisen was the only pending issue before it which must be resolved before a low power license could be authorized. (A separate Licensing Board is presiding over a proceeding to rule on LILCO's exemption request which seeks a low power license based on emergency power sources other than the diesel generators.)

The Licensing Board consists of the following Administrative Judges from the NRC Atomic Safety and Licensing Board Panel (ASLBP): Lawrence Brenner, a lawyer who is Chairman of the Board; Dr. Peter A. Morris and Dr. George A. Ferguson, both of whom are nuclear physicists. Dr. Ferguson, a part-time member of the ASLBP, is a Professor of Nuclear Engineering at Howard University in Washington, D.C.

The public is invited to attend, but there will be no opportunity for members of the public to participate during these evidentiary hearing sessions.

It is so ordered.

Dated at Bethesda, Maryland, August 23, 1984.

For the Atomic Safety and Licensing Board.

Lawrence Brenner,

Chairman, Administrative Judge.

[FR Doc. 84-23109 Filed 8-29-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket 50-278]

Philadelphia Electric Co., et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing; Correction

In FR Doc. 84-21283 beginning on page 32136 in the issue of Friday, August 10, 1984, make the following correction.

On page 32137, first column, second complete paragaph, first line, "September 6, 1984" should have read "September 10, 1984".

Dated: August 24, 1984.

Thomas R. Combs,

Chief, Correspondence and Records Branch.

[FR Doc. 84-23113 Filed 8-29-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-296]

Tennessee Valley Authority, Browns Ferry Nuclear Plant, Unit 3, Modification of March 25, 1983 Order Confirming License Commitments on Post-TMI Related Issues

I

The Tennessee Valley Authority (licensee) is the holder of Facility Operating License No. DPR-68 which authorizes the operation of the Browns Ferry Nuclear Plant, Unit 3, at steady state reactor power levels not in excess of 3293 megawatts thermal. The facility consists of a boiling water reactor located at the licensee's site in Limestone County, Alabama.

II

On March 25, 1983, the Commission issued on Order modifying the license, effective immediately, requiring the license to implement and maintain certain specific NUREG-0737 items on dates specified in the Attachments to the Order. Among other requirements, the confirmatory Order required the licensee to install containment radiation monitoring instrumentation meeting the requirements of Item II.F.1.3, of NUREG-0737 prior to startup in Cycle 6.

By letter dated March 27, 1984, TVA informed the staff that it has been determined that the design of necessary cable connections to the drywell penetration for the installation of this equipment is inadequate and therefore, full environmental qualification of the installed system is questionable. Revision of the design and procurement and installation of the equipment to meet the environmental qualification requirements within the time remaining in the current (end-of-cycle 5) outage is not possible. By a letter dated March 27, 1984 TVA requested that relief from the schedular requirements of the subject Order be granted for Item II.F.1.3 to extend the required completion date from "before startup in Cycle 6" to "before startup in Cycle 7" (a period of about 19 months).

As a compensatory measure, TVA committed to maintain the existing containment radiation monitors in

service during the upcoming Cycle 6 operation. These radiation monitors perform the same function as the monitors required by NUREG–0737, Item II.F.1.3, except that they do not have the extended range (10^8 rad/hour). As an additional backup, TVA has the capability at Browns Ferry to periodically collect and anaylze samples of the containment atmosphere.

For the Browns Ferry Nuclear Plant, Unit 3, we find that with respect to NUREG–0737, Item II.F.1.3, the licensee has made a responsible effort to implement this requirement, there is a good cause for a delay in having radiation monitors fully qualified for the environmental conditions specified in Item II.F.1.3 and that acceptable interim compensatory measures have been provided.

III

Accordingly, pursuant to sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date for NUREG–0737, Item II.F.1.3 required in the March 25, 1983 "Order Confirming Licensee Commitments on Post-TMI Related Issues" be extended to: "Prior to startup in Cycle 7." The licensee is also required to maintain the existing containment radiation monitors in service in accordance with the present Technical Specifications. The Order of March 25, 1983, except as modified herein, remains in effect in accordance with its terms.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind any of the above conditions in writing for good cause shown by the licensee.

IV

The licensee may request a hearing within 20 days of the date of publication of this Order in the **Federal Register.** A request for a hearing shall be addressed to the Director, Office of the Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section III of this Order.

This Order shall become effective upon the licensee's consent or upon expiration of the time within which the licensee may request a hearing or, if a hearing is requested by the licensee, on the date specified in an Order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 24th day of August, 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing Office of Nuclear Reactor Regulation.

[FR Doc. 84–23112 Filed 8–29–84; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Issuance of OFPP Policy Letter No. 84–2, "Noncompetitive Procurement Procedures," Rescission

AGENCY: Office of Management and Budget, Office of Federal Procurement Policy.

ACTION: Issuance of OFPP Policy Letter No. 84–2, "Noncompetitive Procurement Procedures," RESCISSION Memorandum.

SUMMARY: This OFPP Policy Letter RESCISSION Memorandum rescinds OFPP Policy Letter No. 84–2, "Noncompetitive Procurement Procedures," dated February 27, 1984. FAR implementation of this policy letter was to be effective on October 1, 1984. The FAR Councils are now working on the Competition in Contracting Act FAR implementation, which will be available in draft form in October. It would be confusing, disruptive, administrative burdensome, and costly to attempt to implement Policy Letter 84–2 in October in view of the short time available before the Competition in Contracting Act becomes effective on March 31, 1985. The rescission memorandum requests continuation of specific administrative controls with respect to noncompetitive procurements.

FOR FURTHER INFORMATION CONTACT: William Maraist, Office of Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503 (202) 395–3300.

Dated: August 15, 1984.

Donald E. Sowle,

Administrator.

Memorandum to the Heads of Executive Departments and Establishments

From Donald E. Sowle, Administrator
Subject: OFPP Policy Letter No. 84–2 Rescission

August 15, 1984.

1. *Purpose.* The purpose of this memorandum is to rescind OFPP Policy Letter 84–2, Noncompetitive Procurement Procedures, dated February 27, 1984.

2. *Background.* OFPP Policy Letter 84–2 established specific circumstances permitting noncompetitive procurement and certain procedural controls on their use. The policy letter was the result of a strong administration position to increase competition and to control noncompetitive procedures. The administration position was manifested in the proposal for a Uniform Federal Procurement System submitted to Congress on February 26, 1982, in Executive Order 12352 on Federal Procurement Reforms, March 17, 1982 and in the President's August 11, 1983 memorandum to the Heads of Executive Departments and Agencies.

As expected, but sooner than anticipated, the Congress also took action during this time to enhance competition and restrict or control noncompetitive procedures. The competition in contracting Act was appended to the Deficit Reduction Act and became law (Pub. L. 98–369) when it was signed by the President on July 18, 1984. The act provides specific circumstances permitting noncompetitive procurement and administrative controls which are similar to but not identical to those in OFPP Policy Letter 84–2.

A notice of FAR implementation of Policy Letter 84–2 was published in the **Federal Register** on June 29, 1984 to be effective October 1, 1984. The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are now working on FAR implementation of the Competition in Contracting Act which will be available in draft form in October.

3. *Rescission.* It would be confusing, disruptive, administratively burdensome, and costly to attempt to implement Policy Letter 84–2 in October in view of the short time available before the Competition in Contracting Act becomes effective. The agencies will be commenting on implementing procedures for the Competition in Contracting Act, which will be published in final form in November, and preparing for training to meet the March 31, 1985 effective date. Accordingly, OFPP Policy Letter 84–2, Noncompetitive Procurement Procedures, February 27, 1984, is hereby rescinded.

4. *Procedures.* The President, in his August 11, 1983, memorandum, called upon each of you to assure that competition is the preferred method of procurement in your department or agency. The rescission of Policy Letter 84–2 does not signal a change of emphasis in this respect. I therefore request that you continue to: (a) Communicate to your program and procurement personnel a strong commitment to competition; (b) promote advance procurement planning, market research and early communication between program and procurement personnel to identify opportunities for competition early in the acquisition cycle; (c) strictly enforce the requirement for complete justification of noncompetitive procurements and careful scrutiny by review officials; (d) take

reasonable steps, where competition is impracticable, to remove or overcome barriers to competition for subsequent procurements; (e) provide appropriate training; and (f) use data systems to track noncompetitive procurements and progress toward increasing competition.

5. *Concurrence.* This rescission has the concurrence of the Director of Office of Management and Budget.

[FR Doc. 84-23064 Filed 8-29-84; 8:45 am]

BILLING CODE 3110-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Coal Options Task Force; Regular Meeting

AGENCY: Coal Options Task Force of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4.

Activities will include:

- Approval of minutes of the fourth meeting
- Status Report: Assessing the implications of The Clean Air Act, Clean Water Act and NEPA
- Status Report: Potential Coal Options
  —Creston PSD Permit Extension
  —Available capacity at Boardman site
- Assessing schedules, constraints to development and associated probabilities of potential coal options
- Format, content, schedule and responsbilities for the Task Force Report
- Other business
- Public comment

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Coal Options Task Force.

DATE: Friday, September 21, 1984. 9:00 a.m.

ADDRESS: The meeting will be held at the Council Conference Room at 700 SW. Taylor; Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION, CONTACT: Jeff King, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-23073 Filed 8-29-84; 8:45 am]

BILLING CODE 0000-00-M

SMALL BUSINESS ADMINISTRATION

Small Business Investment Company; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.302 (a) and (b) limit the maximum annual Cost of Money (as defined in 13 CFR 107.3) that may be imposed upon a Small Concern in connection with Financing by means of Loans or through the purchase of Debt Securities. The cited regulation incorporates the term "FFB Rate", which is defined elsewhere in 13 CFR 107.3 in terms that require SBA to publish, from time to time, the rate charged by the Federal Financing Bank on ten-year debentures sold by Licensees to the Bank. Notice of this rate is generally published each month.

Accordingly, Licensees are hereby notified that effective September 1, 1984, and until further notice, the FFB Rate to be used for computation of maximum cost of money pursuant to 13 CFR 107.302 (a) and (b) is 12.825 percent per annum.

13 CFR 107.302 does not supersede or preempt any applicable law imposing an interest ceiling lower than the ceiling imposed by its own terms. Attention is directed to section 308(i) of the Small Business Invesment Act, as amended by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Dated: August 27, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-23125 Filed 8-29-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORATION

Coast Guard

[CGD 84-066]

Ship Structure Committee; Charter Renewal

SUMMARY: U.S.C.G. announces the renewal of the charter of the Ship Structure Committee.

The purpose of the Committee is to conduct an aggressive research program which will, in the light of changing technology in marine transportation, improve the design, materials, and construction of the hull structure of ships and marine platforms by an extension of knowledge in these fields for the ultimate purpose of increasing the safe and efficient operation of all marine structures.

FOR FURTHER INFORMATION CONTACT: LCDR D. Anderson, USCG, Secretary, Ship Structure Committee, U.S. Coast Guard (G-MTH-4) Washington, D.C. 20593, (202) 426-2205 or 426-2197.

Dated: August 27, 1984.

A.D. Breed,

Commodore, U.S. Coast Guard, Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 84-23066 Filed 8-29-84; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to section V, review procedure and hearing rules, Station Committee on Education Allowances that on September 18, 1984, 9:00 A.M. the Houston Regional Office Station Committee on Educational Allowances shall at 2515 Murworth, Room 306, Houston, Texas conduct a hearing to determine whether approval should be reinstated to G. Crawford Pipe Inc. under Pub. L. 98-77, The Emergency Veterans' Job Training Act of 1983. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: August 23, 1984.

C.L. Dollarhide,

Director, Education Service.

[FR Doc. 84-23087 Filed 8-29-84; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 170
Thursday, August 30, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 AM (Eastern Time), Tuesday, September 4, 1984.

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street NW. Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes
2. A Report on Commission Operations (Optional)
3. EEOC's Proposed Budget for FY 1986

Closed

1. Litigation Authorization; General Counsel Recommendations
2. Proposed Contract for Services in Connection with a Court Case.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.

Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer at (202) 634–6748.

Dated: August 28, 1984.

Cynthia C. Matthews,

Executive Officer.

This Notice Issued August 28, 1984.

[FR Doc. 84-23184 Filed 8-28-84; 2:16 pm]

BILLING CODE 6750-06-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, August 27, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. David L. Chew, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application for capital assistance under section 13(i) of the Federal Deposit Insurance Act: Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Application of Federated Bank and Trust Company, a proposed new bank to be located at 10 Foster Avenue, Gibbsboro, New Jersey, for Federal deposit insurance and for consent to exercise trust powers.

Application of Bear Stearns Trust Company, a proposed new bank to be located at 28 West State Street, Trenton, New Jersey, for Federal deposit insurance and for consent to exercise full trust powers.

Application of Merrill Lynch Bank and Trust Company, a proposed new bank to be located at Merrill Lynch Corporate Campus, Princeton Forrestal Center, Plainsboro Township, New Jersey, for Federal deposit insurance and for consent to exercise limited trust powers.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter 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 by authority of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: August 28, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-23218 Filed 8-28-84; 3:25 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, August 27, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Mr. David L. Chew, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), concurred in by Director Irvine H. Sprague (Appointive), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: American Bank & Trust Company New York, New York

A personnel matter.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: August 28, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-23219 Filed 8-28-84; 3:26 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 5:17 p.m. on Friday, August 24, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in

closed session, by telephone conference call, to:

(A) Adopt a resolution making funds available for the payment of the insured deposits in Hereford State Bank, Hereford, Colorado, which was closed by the Colorado State Bank Commissioner on August 24, 1984; and

(B) Consider recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liguidating agent of those assets:

Memoranda and Resolutions re: The First National Bank of Midland, Midland, Texas

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. David L. Chew, 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 purusant to subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: August 27, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-23220 Filed 8-28-84; 3:26 pm]

BILLING CODE 6714-01-M

5

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, September 5, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed amendments to the Board's margin regulations to provide automatic marginability for NASD's (National Association of Securities Dealers) National Market System securities.

2. Proposed fees for Federal Reserve electronic payments services, and implementation of off-line surcharges for wire transfers and net settlement services. (Proposed earlier for public comment: Docket No. R-0505)

3. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: August 28, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-23235 Filed 8-28-84; 3:59 pm]

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Vol. 49, No. 170

Thursday, August 30, 1984

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LIST OF PUBLIC LAWS

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register,** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

H.R. 5890 / Pub. L. 98-399

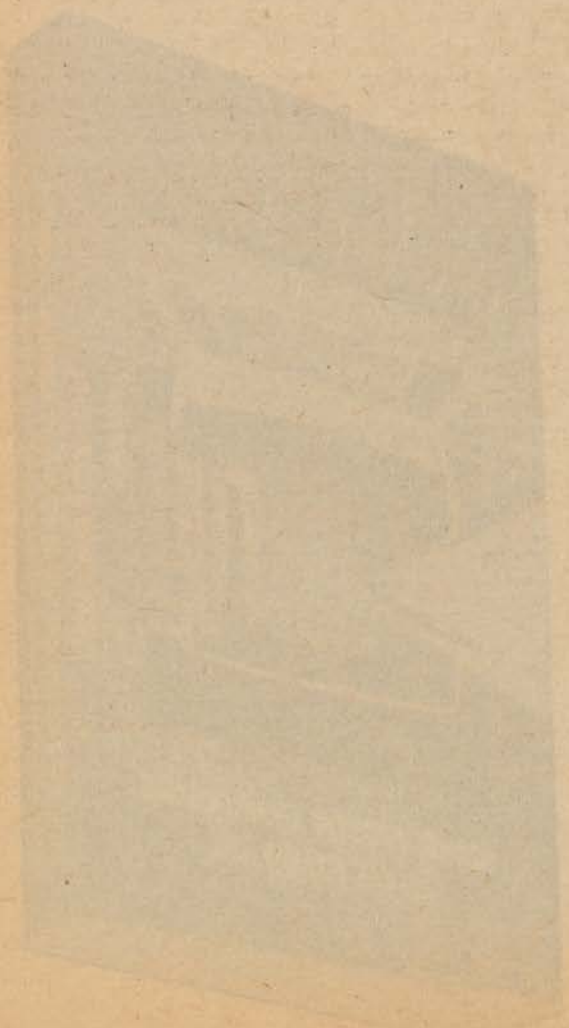
To establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr. (Aug. 27, 1984; 98 Stat. 1473) Price: $1.50

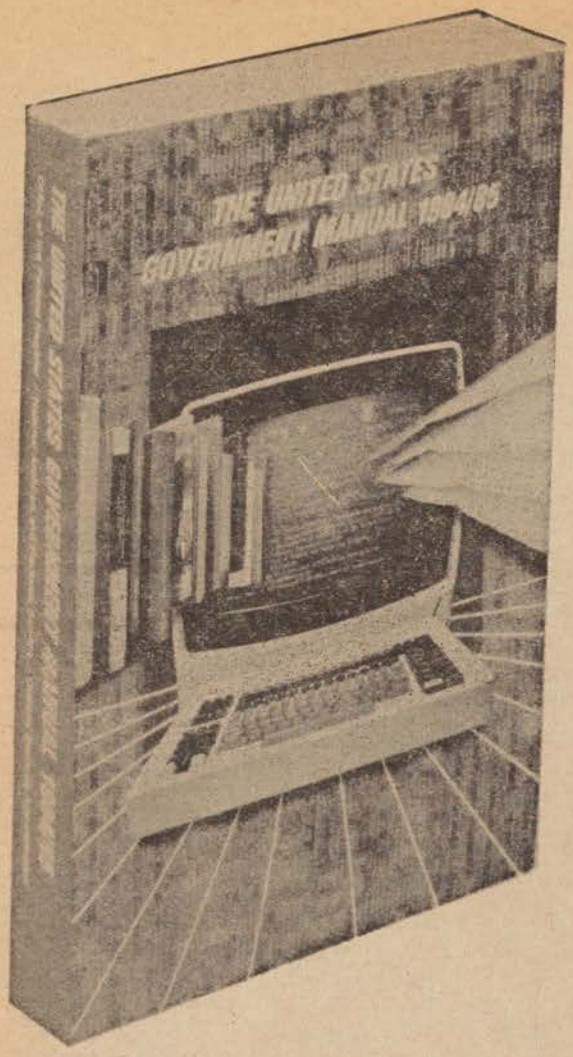
S. 1547 / Pub. L. 98-400

To amend the conditions of a grant of certain lands to the town of Olathe, Colorado, and for other purposes. (Aug. 27, 1984; 98 Stat. 1476) Price: $1.50

S. 2036 / Pub. L. 98-401

To require the Secretary of the Interior to convey to the city of Brigham City, Utah, certain land and improvements in Box Elder County, Utah. (Aug. 27, 1984; 98 Stat. 1477) Price: $1.50





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